

Sen. Judiciary 5/17, Pass 5/21

FEB 27 1976

HOUSE FILE 1442

Judiciary & Law Enforcement

House File 1442 +15, Pass per 6346 4/20
Ways and Means
Wyckoff, Chair
Bittle
Danker

BY BYERLY

House File 1442 - Pass
Ways and Means

Passed House, Date 5-13-76 (2729) Passed Senate, Date 5-24-76 (2193)

Vote: Ayes 75 Nays 0 Vote: Ayes 40 Nays 1

Approved 6-10-76

A BILL FOR

1 An Act to legalize and validate the proceedings of the board
 2 of directors of the Des Moines Area Community College
 3 (merged Area XI) in the counties of Adair, Audubon,
 4 Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie,
 5 Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion,
 6 Marshall, Polk, Poweshiek, Shelby, Story and Warren, state
 7 of Iowa, and the Polk County Commissioner of Elections in
 8 connection with an election authorizing the levy of a tax
 9 and declaring the validity of said election and the
 10 validity of taxes levied pursuant thereto.

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H-6346

1 Amend House File 1442, page 2; by striking lines
2 13 through 18 and inserting in lieu thereof the follow-
3 ing:

4 "Sec. 2. This Act, being deemed of immediate
5 importance, shall take effect and be in force from
6 and after its publication in the Pella Chronicle,
7 a newspaper published in Pella, Iowa, and in the
8 Patriot-Chronicle, a newspaper published in What
9 Cheer, Iowa."

H-6346 FILED - *Adopted 5/13*
APRIL 20, 1976 *(2729)*

BY COMMITTEE ON WAYS AND MEANS
NORLAND of Worth, Chair

1 WHEREAS, It appears from the records of the Des Moines
2 Area Community College (Merged Area XI) that at a special
3 election held coincident with the regular school election
4 in and for said Merged Area on September 9, 1975, the fol-
5 lowing proposition, to-wit:

6 "Shall the Board of Directors of the Des Moines Area
7 Community College (Merged Area XI), in the Counties of Adair,
8 Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene,
9 Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska,
10 Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren,
11 State of Iowa, cause to continue to be levied a tax not to
12 exceed twenty and one-fourth (20 1/4) cents per thousand dollars
13 of assessed value in any one (1) year for a period of five
14 (5) consecutive fiscal years beginning with the 1976 tax levy
15 payable in the fiscal year ending June 30, 1978, for any one
16 or more of the following purposes: for the purchase of
17 grounds; construction of buildings; payment of debts contracted
18 for the construction of buildings, purchase of buildings and
19 equipment for buildings and the acquisition of libraries;
20 and for the purpose of maintaining, remodeling, improving,
21 or expanding the Des Moines Area Community College of the
22 merged area; or for such other purposes as authorized by law,
23 as provided in Chapter 280A, Section 22 of the Code of Iowa?"
24 was approved by more than fifty percent of the votes cast
25 for and against the measure, and in reliance on said election
26 the Board of Directors proposes to levy and collect said tax
27 in each year as authorized; and

28 WHEREAS, doubts have arisen concerning the validity and
29 legal sufficiency of said election and it is deemed advisable
30 to put such doubts and all others that might arise concerning
31 same forever at rest; NOW THEREFORE,

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

33 Section 1. That all proceedings heretofore taken by the
34 Board of Directors of the Des Moines Area Community College
35 (Merged Area XI), and the County Commissioner of Elections

1 of Polk County, Iowa, preliminary to and in connection with
2 said election held in said Merged Area District on September
3 9, 1975, said election and the adoption by the voters of the
4 proposition set forth above are hereby legalized, validated
5 and confirmed and by authority of said election and this Act
6 said Board of Directors are authorized to levy said tax of
7 not to exceed twenty and one-fourth (20 1/4) cents per thousand
8 dollars of assessed value on all taxable property within said
9 Merged Area for the purposes authorized at said election,
10 said authorization to be effective for a period of five years
11 commencing with the levy for the taxes payable in the fiscal
12 year ending June 30, 1978.

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 The Des Moines Register, a newspaper published in
16 _____, Iowa, and in _____, a
17 newspaper published in _____, Iowa, without ex-
18 pense to the state.

19 EXPLANATION

20 This bill legalizes proceedings in regard to the approval
21 of a tax levy in merged area XI whereby an election was held
22 and the tax levy approved but the legal sufficiency of the
23 proceedings are in doubt.

24 *Proof of Publication 2/27 (p. 732)*
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LSB 3607
sg/rh/31

HOUSE FILE 1442

AN ACT

TO LEGALIZE AND VALIDATE THE PROCEEDINGS OF THE BOARD OF DIRECTORS OF THE DES MOINES AREA COMMUNITY COLLEGE (MERGED AREA XI) IN THE COUNTIES OF ADAIR, AUDUBON, BOONE, CARROLL, CLARKE, CRAWFORD, DALLAS, GREENE, GUTHRIE, HAMILTON, HARDIN, JASPER, LUCAS, MADISON, MAHASKA, MARION, MARSHALL, POLK, POWESHIEK, SHELBY, STORY AND WARREN, STATE OF IOWA, AND THE POLK COUNTY COMMISSIONER OF ELECTIONS IN CONNECTION WITH AN ELECTION AUTHORIZING THE LEVY OF A TAX AND DECLARING THE VALIDITY OF SAID ELECTION AND THE VALIDITY OF TAXES LEVIED PURSUANT THERETO.

WHEREAS, It appears from the records of the Des Moines Area Community College (Merged Area XI) that at a special election held coincident with the regular school election in and for said Merged Area on September 9, 1975, the following proposition, to-wit:

"Shall the Board of Directors of the Des Moines Area Community College (Merged Area XI), in the Counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, State of Iowa, cause to continue to be levied a tax not to exceed twenty and one-fourth (20 1/4) cents per thousand dollars of assessed value in any one (1) year for a period of five (5) consecutive fiscal years beginning with the 1976 tax levy payable in the fiscal year ending June 30, 1978, for any one or more of the following purposes: for the purchase of grounds; construction of buildings; payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings and the acquisition of libraries; and for the purpose of maintaining, remodeling,

improving, or expanding the Des Moines Area Community College of the merged area; or for such other purposes as authorized by law, as provided in Chapter 280A, Section 22 of the Code of Iowa?"

was approved by more than fifty percent of the votes cast for and against the measure, and in reliance on said election the Board of Directors proposes to levy and collect said tax in each year as authorized; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election 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:

Section 1. That all proceedings heretofore taken by the Board of Directors of the Des Moines Area Community College (Merged Area XI), and the County Commissioner of Elections of Polk County, Iowa, preliminary to and in connection with said election held in said Merged Area District on September 9, 1975, said election and the adoption by the voters of the proposition set forth above are hereby legalized, validated and confirmed and by authority of said election and this Act said Board of Directors are authorized to levy said tax of not to exceed twenty and one-fourth (20 1/4) cents per thousand dollars of assessed value on all taxable property within said Merged Area for the purposes authorized at said election, said authorization to be effective for a period of five years commencing with the levy for the taxes payable in the fiscal year ending June 30, 1978.

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

Iowa, and in the Patriot-Chronicle, a newspaper published in
What Cheer, Iowa.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 1442, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 10, 1976

ROBERT D. RAY
Governor