

"An indictment cannot be found without the concurrence of five grand jurors. Every indictment must be indorsed "A true bill" and the indorsement signed by the foreman of the grand jury."
Approved April 7, 1898.

CHAPTER 116.

S. F. 200.

AN ACT to provide for the use of the deputy warden a house, heat, and light. [Amendatory to title XXVI, chapter 2, of the code, pertaining to penitentiaries.]
Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Residence for deputy—house rent. From and after the completion of the warden's house at the penitentiary at Anamosa, the deputy warden shall be entitled to occupy the building now used as the warden's residence, which shall be furnished with heat and lights. Until the new residence for the warden is completed the deputy warden is hereby allowed the sum of ten dollars, (\$10.00), per month as house rent.

SEC. 2. In effect. This act, being deemed of immediate importance, shall be in force from and after its publication in the Des Moines Leader and Iowa State Register, newspapers published at Des Moines, Iowa.

Approved April 9, 1898.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, April 13, 1898.

G. L. DOBSON,
Secretary of State.

CHAPTER 117.

H. F. 319.

AN ACT to amend section fifty-six hundred and sixty-three (5663) of the code, relating to the duties of guards at the penitentiaries.
Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Assignment of duties. That section fifty-six hundred and sixty-three (5663) of the code be, and the same is hereby amended by adding after the word "Anamosa" in the ninth line of said section the following words, "And the warden under the direction of the board of control shall assign said guards to any duty that may be necessary to properly conduct the business of said penitentiaries."

SEC. 2. In effect. This act, being deemed of immediate importance, shall be in effect upon and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in the city of Des Moines.

Approved April 7, 1898.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, April 13, 1898.

G. L. DOBSON,
Secretary of State.

CHAPTER 118.

S. F. 201.

AN ACT to create a state board of control, and to provide for the management and control of the Soldiers' Home, the charitable, reformatory, and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor. [Amendatory of titles XIII, XIV and XXVI, of the code, pertaining to public institutions.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Nomination—term of office—confirmation—salaries—removal—vacancies. The governor shall, prior to the adjournment of the twenty seventh general assembly, nominate and, with the consent of two-thirds of the members of the senate in executive session, appoint three

electors of the state, not more than two of whom shall belong to the same political party, and no two of whom shall reside at the time of their appointment in the same congressional district, as members of a board to be known as a "board of control of state institutions." Said members shall hold office, as designated by the governor, for two, four, and six years respectively. Subsequent appointments shall be made as above provided and, except to fill vacancies, shall be for a period of six years. The board shall at all times be subject to the above limitations and restrictions. No nomination shall be considered by the senate until the same shall have been referred to a committee of five, not more than three of whom shall belong to the same political party, to be appointed by the president of the senate without the formality of a motion, which committee shall report to the senate in executive session, which report shall be made at any time when called for by the senate. The consideration of nominations, by the senate, shall not be had on the same legislative day the nominations are referred. The chairman of the board for each biennial period shall be the member whose term first expires, and each member thereof shall receive a salary of three thousand dollars (\$3,000.00) per annum. The governor may, by and with the consent of the senate, during a session of the general assembly, remove any member of the board for malfeasance or nonfeasance in office, or for any cause that renders him ineligible to appointment, or incapable or unfit to discharge the duties of his office, and his removal when so made shall be final. When the general assembly is not in session the governor may suspend any member so disqualified, and shall appoint another to fill the vacancy thus created, subject, however, to the action of the senate when next in session. All vacancies on said board that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days from the time the general assembly next convenes, and vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session.

SEC. 2. Oath—bond—examination—not excused from testifying. Each member of the board shall take the oath, and qualify, as required by section one hundred and seventy-nine of the code, and shall devote his whole time to the duties of his office. Before entering on the duties of his office, each member shall give an official bond in the sum of twenty-five thousand dollars (\$25,000.00), conditioned as provided by law, signed by sureties, to be approved by the governor, and when so approved, said bond shall be filed in the office of the secretary of state. No member of the board of control shall be eligible to any other lucrative office in the state during his term of service or for one year thereafter or to any position in any state institution during the term for which he was appointed, nor within one year after his term shall have expired. The said board of control shall be subject to the examination of the joint committee on retrenchment and reform, created by section one hundred and eighty-one of the code. The claim that any testimony or evidence sought to be elicited or produced on such examination may tend to criminate the person giving or producing it, or expose him to public ignominy, shall not excuse him from testifying or producing evidence, documentary or otherwise; but no person shall be prosecuted or subjected to penalty or forfeiture for and on account of any matter or thing concerning which he may testify or produce such evidence, provided that he shall not be exempted from prosecution and punishment for perjury committed in so testifying.

SEC. 3. Offices—secretary—salary—supplies. The board shall be provided by the proper authorities with suitably furnished offices at the seat of government, and shall employ a competent secretary, who shall receive a salary not to exceed two thousand dollars (\$2,000.00) per annum, and may also hire a stenographer and such other employes as may be neces-

sary. The board shall, by the proper authorities, be also furnished with all necessary books, blanks, stationery, printing, postage stamps, and such other office supplies as are furnished other state officers. It shall present to each general assembly an itemized account of its expenditures, to the end that the legislature may, for the future, fix the maximum amount of such expenditures.

SEC. 4. **Appropriation.** There is hereby appropriated from any funds in the state treasury not otherwise appropriated sufficient thereof to pay the salaries and expenditures hereby authorized.

SEC. 5. **Traveling expenses—governor's approval.** In addition to the salaries paid the members of the board and the secretary or other employes they shall be entitled to the necessary traveling expenses, by the nearest traveled and practicable route, incurred in going from Des Moines to the different institutions, or to other places in the state, when on official business. No expenditure for traveling expenses to other states shall be made by the board, or by any officer or agent thereof, or by any officer, employe, or agent of any state institution subject to this board, unless the authority to make such trip is granted at a meeting of the board of control upon a written resolution, adopted by the board, which shall state the purpose of such trip, and the reason the same is deemed necessary. Said resolution, if adopted, shall then be submitted to the governor for his written approval, and if he does not approve the same such trip shall not be made at the expense of the state.

SEC. 6. **Itemized statement.** Before any expenses of the members of the board, any officer, or agent, thereof, or before any expenses incurred by others under the direction of the board, or the expenses of any officer or employe of any institution under the charge of the board, shall be paid, a minutely itemized statement of every item of expenditure shall be presented to the proper authority, duly verified, which verification shall aver that the expense bill is just, accurate, and true, and is claimed for cash expenditures, or cash disbursements, truly and actually made and paid to the parties named, as shown by said statement. Unless the statement is so verified, and duly audited, payment thereof shall not be had. The expense bills of the members of the board, the secretary, and its other employes, when so verified, shall be presented to the governor for his written audit, before payment is made. The salaries and such actual expenses of the board, and of the secretary and other officers, and the salaries of employes, shall be paid monthly by the treasurer of state, upon the warrant of the auditor of state.

SEC. 7. **Official seal.** The board shall have an official seal, and every commission, order, or other paper executed by the board may, under its direction, be attested with its seal affixed, by the secretary, or any member of the board.

SEC. 8. **Institutions under control.** The board of control shall have full power to manage, control, and govern, subject only to the limitations contained in this act, the soldiers' home; the state hospitals for the insane; the college for the blind; the school for the deaf; the institution for the feeble-minded; the soldiers' orphans' home; the industrial home for the blind; the industrial school, in both departments; and the state penitentiaries. Within ten days after the appointment and qualification of the members of the board, it shall organize and assume the duties vested in said board, but shall not exercise full control of the institutions until July 1st, 1898.

SEC. 9. **Powers—duties—annual statement.** The boards of trustees and commissioners now charged with the government of the institutions named in section eight hereof shall on and after July 1st, 1898, have no further legal existence. All trustees now in office shall continue in office until July 1, 1898. The powers possessed by the governor and executive council, with reference to the management and control of the state penitentiaries,

shall, on July 1st, 1898, cease to exist in the governor and executive council, and shall become vested in the board of control; and the said board is, on July 1st, 1898, and without further process of law, authorized and directed to assume and exercise all the powers heretofore vested in or exercised by the several boards of trustees, the governor, or the executive council with reference to the several institutions of the state herein named. The duties imposed on the executive council, by statute, to establish an uniform system of books and accounts for state institutions, and to cause the same to be examined annually by a skilled accountant, and to annually require a settlement with the officers of each state institution, are transferred from said council to the board of control as to the institutions herein named. Nothing herein contained shall limit the general supervisory or examining powers vested in the governor by the laws or constitution of the state, or that are vested by him in any committee appointed by him. The board shall prepare annually for publication, in accordance with the provisions of section one hundred and sixty-three of the code, a statement of the cost for the preceding year of maintaining each of said institutions including improvements, itemized so far as practicable, and so arranged as to show the cost of the various kinds of provisions and supplies.

SEC. 10. Investigation—witnesses—contempt of court. It shall be the duty of said board, or a committee thereof, to visit and inspect, at least once in six months, the institutions named, and investigate the financial condition and management of such institutions; and in aid of any investigation the board shall have the power to summon and compel the attendance of witnesses; to examine the same under oath, which any member thereof shall have the power to administer; and shall have access to all books, papers and property material to such investigation, and may order the production of any other books or papers material thereto. Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court. The claim that any testimony or evidence sought to be elicited or produced on such examination may tend to criminate the person giving or producing it, or expose him to public ignominy, shall not excuse him from testifying or producing evidence, documentary or otherwise; but no person shall be prosecuted or subjected to any penalty or forfeiture for and on account of any matter or thing concerning which he may testify or produce such evidence, provided that he shall not be exempted from prosecution and punishment for perjury committed in so testifying. And it shall be the duty of the board to cause the testimony so taken to be transcribed and filed in the office of the secretary of the board at the seat of government within ten days after the same is taken, or as soon thereafter as practicable and when so filed the same shall be open for the inspection of any person. Any person failing or refusing to obey the orders of the board issued under the provisions of this section, or to give or produce evidence when required, shall be reported by the board to the district court or any judge thereof, and shall be dealt with by the court or judge as for a contempt of court.

SEC. 11. Monthly visitation—may appoint a woman—visiting committee abolished. The board, by a committee, or its secretary, shall visit each hospital for the insane once each month, and in making such visits shall be vested with and exercise the powers and functions now granted the visiting committee to such hospitals, except that the discharge of employes for cause shall be left with the superintendent as hereinafter provided. If the board deem it prudent, it may appoint a woman who resides within fifty miles of any hospital, whose duty it will be to visit such hospital, when directed by the board, and to report to the board, and who shall be paid the same compensation from the funds of the institution visited as is now provided for members of the visiting committee, upon proper audit of the bill for such services and expenses by the board, in the manner

provided for payment of current expenses of institutions. The visiting committee to the hospitals for the insane is hereby abolished, and the members are relieved from further duty upon the passage of this act.

SEC. 12. Biennial report. The board shall make reports to the governor and legislature of its observations and conclusions respecting each and every of the institutions named, including the regular biennial report to the legislature, covering the biennial period ending June 30th, preceding the regular session of the general assembly. Said biennial report shall be made not later than November 15th in the year preceding the meeting of the general assembly, and shall also contain the reports which the executive officers of the several institutions are now or may be by the board required to make, also a statement of visitations to the several institutions and when and by whom made.

SEC. 13. Books and accounts. It shall keep at its office a proper and complete system of books and accounts with each institution, which shall show every expenditure authorized and made thereat and said books shall exhibit an account of each extraordinary or special appropriation made by the legislature, with every item of expenditure thereof.

SEC. 14. Uniform system of records and accounts—expert help. It shall prescribe the forms of records and the kind of accounts to be made and kept by the institutions heretofore specified. In providing for the books of accounts the said board shall establish as uniform a system as possible, compelling similar institutions to keep similar books in the financial operations of such institutions; and the board shall institute and require the keeping of a perfected system of accounts, and requisitions showing the purchase, storing and consumption of supplies for subsistence, construction or other purposes. For the purpose of establishing said system of accounts, the board is authorized to employ competent and expert help, and to inaugurate in the institutions on July 1st, 1893, the most modern and complete method of accounts. The board shall, within six months after the passage of this act, determine the kinds and qualities of provisions and supplies for the several institutions subject to its charge.

SEC. 15. Biennial estimates of special appropriations. It shall prepare for the use of the legislature, biennial estimates of appropriations necessary and proper to be made for the support of the said several institutions, and for the extraordinary and special expenditures for buildings, betterments, or other improvements.

SEC. 16. Suggestions for legislation. The board shall incorporate in its report to the legislature, suggestions respecting legislation for the benefit of the several institutions, or for the dependent, defective or criminal classes of the state. The board and its secretary shall on request, attend the meetings of legislative committees to which such questions may be submitted for consideration, and furnish such committees such information in regard to its doings and the conduct of such institutions as may be demanded.

SEC. 17. Plans and specifications—limited to amount of appropriation—penalty. It shall prepare plans for all betterments, improvements or buildings costing more than one thousand dollars (\$1,000) for which it may recommend an appropriation. But when an appropriation for any amount has been made, there shall be no expenditure thereof until the board has secured suitable plans and specifications prepared by a competent architect, and accompanied by a detailed statement of the amount, quality and description of all the material and labor required for the completion of said structure; and no plan or plans shall be adopted, and no betterments, improvements or buildings constructed, that contemplate the expenditure of more money for completion than the amount appropriated by the legislature therefor, unless exempted from the provisions of this section by the act making such appropriation. In no event shall the board direct or permit an expend-

iture for any purpose in excess of the amount appropriated by law, or contemplated by the statute, and the members of the board, its officers and agents, are subject to the provisions of sections one hundred seventy-eight, one hundred and eighty-two, one hundred eighty-four, one hundred eighty-five, one hundred eighty-six, one hundred eighty-seven and one hundred eighty-nine of the code, to the same extent as if said named persons were particularly specified in said sections. The violation of any of the provisions of either of the sections of the code above named by any of such named officers or persons, shall be deemed a misdemeanor, and on conviction the offender shall be fined in any sum not less than two hundred dollars, nor more than five thousand dollars, in the discretion of the court, or imprisoned in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 18. Report to governor. It shall investigate and report to the governor any abuses or wrongs alleged to exist in the state institutions referred to in this act.

SEC. 19. What to inspect. The board or any member thereof at the stated visits to any of the institutions under its control shall inspect every part of each institution, and all the places, buildings and grounds belonging thereto, or used in connection therewith. They shall make an examination of the general and special dietary, the stores, and methods of supply; as far as circumstances may permit, they shall see every inmate of the soldiers' home, and the charitable institutions, especially those admitted since the preceding visit, and shall give such as may require it, suitable opportunity to converse with the members of the board apart from the officers and attendants. They shall, if deemed necessary, examine under oath the officers, attendants, guards and other employes, and make such inquiries as will determine their fitness for their respective duties.

SEC. 20. Recommendations—quarterly conferences. The board shall, during the first six months after its creation, meet in conference as often as it may determine, the superintendents, wardens and other executive officers of each of the said institutions, or as many thereof as it deems practicable, and consider in detail, all questions of management, and the methods to be adopted to secure the economical management of the several institutions, and shall send to such officers such recommendations in regard to the management and improvement of the institutions, as it may deem necessary or advisable, and the board is vested with power to enforce such recommendations and directions. After six months from the creation of the board, a consultation and conference of the superintendents, wardens and chief executive officers shall be held quarterly with the board at its office in Des Moines, at a time to be designated by the board, at which meeting all matters concerning the government and management of the institutions shall be considered and discussed, and the chairman of the board of control shall preside at such meetings, and full minutes thereof shall be preserved by the secretary of such board, who shall be secretary of said meeting.

SEC. 21. Districts. The board shall divide the state into proper districts from which the several institutions may receive patients or inmates. The limits of such districts may, from time to time, as the occasion warrants, be changed or altered. And in making such districts, or the rearrangement thereof, the superintendents, wardens, or executive heads of the institutions shall be consulted, at a time and place to be fixed by the board. When the districts are established, or a change thereof is had, the board shall notify the proper county or judicial officers, of such establishment or change.

SEC. 22. Record—transfer—managing officer. The board shall keep in its office, accessible only to the members, secretary and proper clerks, except by the consent of the board, or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil

condition and date of entrance or commitment of every person, patient, inmate, or convict in the several institutions governed by the board, the date of discharge of every such person from the institution, and whether such discharge was final, and the condition of the person at the time he left the institution. The record shall also indicate if a person is transferred from one institution to another, and to what institution; and if dead, the date and cause of death. This information shall be furnished to the board by the several institutions, and such other obtainable facts as the board may from time to time require. It is the duty of a managing officer of each institution, who shall be named by the board, within ten days after the commitment or entrance of a person, patient, inmate or convict to the institution, to cause a true copy of his entrance record to be made and forwarded to the office of the board of control. When a patient or inmate leaves, or is discharged, transferred, or dies in any institution, the superintendent or person in charge shall, within ten days thereafter, send such information to the office of the board, all of which information shall be furnished on forms which the board may prescribe.

SEC. 23. State architect. The board may employ an architect who shall be skilled in the most improved methods of sanitation, and competent to prepare plans, specifications, estimates and details for the buildings, betterments, and every item of equipment which may be necessary in any of the institutions, whose duty shall be to perform the work usually done by architects in preparing plans and specifications, and supervising the work of construction on all the buildings, betterments and improvements done at institutions under the control of the board. Said architect shall also perform such other labor as may be designated by the board, and shall receive a compensation to be by the board fixed, which, including expenses, shall in no event exceed three thousand dollars (\$3,000) per annum. In cases of sufficient magnitude, the board may secure the advice of a consulting architect, or secure additional skilled assistance before the adoption of the plans of the state architect, but the expense thereof shall not exceed fifteen hundred dollars in any one year.

SEC. 24. Institution officers—term of office—removal—qualifications. It shall be the duty of the board to appoint a superintendent, warden or other chief executive officer of each institution under the control of the board. The tenure of office of said officers shall be four years from the date of their appointment, and the superintendent, warden or other chief executive officer now in charge of the several institutions placed under the control of this board and who is now holding under an election or contract for a definite term shall continue in office until the expiration of such term or contract, all other superintendents, wardens, or other chief executive officer shall hold office until January 1st, 1899. This provision shall not be applicable to the present warden at the Anamosa penitentiary, and the warden-elect, W. A. Hunter, shall hold his office for the time for which he has been elected. The superintendent, warden, or other chief executive officer of any of the institutions named, may be removed by the board for misconduct, neglect of duty, incompetency or other proper cause, showing his inability or refusal to properly perform the duties of his office, but such removal shall be had only after an opportunity is given such person to be heard before such board upon preferred written charges, but the removal, when made, shall be final. The officers of the several institutions shall have the qualifications, and perform the duties now imposed and required of them by the statute, except as the same are modified or abrogated in this act. In case there is an alleged or seeming conflict between the powers of the superintendents or other executive officers and the board of control, the determination of such question by the board shall be final.

SEC. 25. Power to investigate question of insanity. The board shall have the power to investigate the question of the insanity and condition of any person committed to any state hospital, and shall discharge

any person so committed or restrained, if, in its opinion, such person is not insane, or can be cared for after such discharge, without danger to others, and with benefit to the patient, but in determining whether such patient shall be discharged, the recommendation of the superintendent of such hospital shall be secured. The granting of this power to the board to serve as a commission for the determination of the insanity of a person is merely permissive, and does not repeal or alter any statute respecting the discharge or commitment of inmates to the state hospitals.

SEC. 26. **Power to transfer.** Patients shall be sent to the state hospital and convicts shall be sent to the penitentiary located in the district embracing the county from which they are committed. But the board may transfer the inmate in any hospital, or the convict in any penitentiary to another hospital or to the other penitentiary, at the expense of the state, and shall see that proper record thereof is made at the hospitals and penitentiaries, and in the office of the board.

SEC. 27. **Collection of information—bulletins—forms.** The board shall gather and present information embodying the experience of soldiers' homes, charitable, reformatory and penal institutions in this and other countries, regarding the best and most successful methods of caring for the insane, delinquent and criminal classes. And it shall encourage and urge the scientific investigation of the treatment of insanity and epilepsy by the medical staffs of the insane hospitals, and the institution for the feeble-minded, and shall publish, from time to time, bulletins and reports of the scientific and clinical work now done in said institutions, or which it may require to be done therein. It shall also provide for the several institutions the forms for statistical returns to be made by them in their annual and other reports.

SEC. 28. **Insane patients—residence unknown.** Before the county authorities shall send to a hospital for the insane a patient whose residence is unknown, and whose maintenance is charged to the state, such authorities shall notify the board who shall immediately inquire as to the residence of such person, and the propriety of his commitment to the state hospital. If the residence of said person is found to be in another state or country, the board shall see that he is sent to his residence, or, if he is to be confined in the state hospital, the board shall direct an attendant from the hospital to convey the patient thereto. No patient to be maintained at state expense shall be received at the state hospital without the formal order of the board of control.

SEC. 29. **Questionable commitment.** The superintendents for the hospitals for the insane and the institution for the feeble-minded are required to immediately notify the board if there is any question as to the propriety of the commitment or detention of any person received at such institution, and said board, upon such notification, shall inquire into the matter presented, and take such action as may be deemed proper in the premises.

SEC. 30. **Protection against fire—means of escape.** It shall be the duty of the board to compel the superintendent, warden, or other chief executive officer of each of the institutions under the control of the board, to provide at each institution, adequate and ready means of protection against fire, and to construct proper means of escape for the inmates and attendants where the same are not already constructed and to establish and enforce rigid rules and regulations, by which the danger of fire shall be minimized, and prevent, as far as possible injury to the persons of the inmates, and the loss or destruction, by any cause, of the property of the state.

SEC. 31. **Official bonds.** It shall be the duty of the board of control to require its secretary and each officer and employe of said board, and of every institution under its control who may be charged with the custody or

control of any money or property belonging to the state, and who is not now required by statute to give bond, to give an official bond, properly conditioned, and signed by sufficient sureties, in a sum to be fixed by the board, which bond shall be approved by the board, and filed in the office of the secretary of state.

SEC. 32. Inventory of stock and supplies. The board shall require within thirty days after its organization, the chief executive officer of each institution under its charge to make a complete, minute and accurate inventory of the stock and supplies on hand, the amount and value thereof, which inventory shall be under the following heads: Live stock, produce of the farm on hand, carriages and vehicles, agricultural implements, machinery, mechanical fixtures, real estate, beds and bedding in inmates' department, other furniture in inmates' department, personal property of the state in superintendent's department, ready-made clothing, dry goods, provisions and groceries, drugs and medicines, fuel, library, and all other property under such other heads as the board may deem proper. A like inventory shall be submitted by the proper officer of each institution to the board when the annual report of said officer is submitted to the board.

SEC. 33. Gifts or gratuities—penalties. No member of the board of control, or officer, agent or employe thereof, and no superintendent, officer, manager or employe of any of the institutions under the charge and control of said board, shall, directly or indirectly, for himself or any other person or for any institution under the charge of said board, receive or accept any gift or gratuity from any person or persons, firm or corporation who are dealers in goods, merchandise or supplies which may be used in any of said institutions, or from any employe, servant or agent of such person or persons, firm or corporation. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction be punished as provided in section four thousand nine hundred and four of the code, and such violation shall be cause for his removal from office.

SEC. 34. Contents of biennial report—daily record. The board shall publish in its biennial report to the legislature the name and salary of every employe of said board, the name and salary of each officer and employe in the several institutions, subject to its control. It shall be the further duty of the board to require the proper officer of each institution to keep in a book prepared for the purpose, a daily record, to be made each day, of the time and the number of hours of service of each employe, and the monthly pay-roll shall be made from such time book, and shall be in accord therewith. When an appropriation is based on the number of inmates in or persons at an institution, the board shall require a daily record to be kept of the persons actually residing at and domiciled in such institution.

SEC. 35. Political influence or contribution prohibited. Any member or officer of the board of control, or any officer or employe of a state institution subject to this board, who, by solicitation or otherwise, exerts his influence directly or indirectly, to induce other officers or employes of the state to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money or other thing of value to any person for election purposes, shall be removed from his office or position by the proper authorities.

SEC. 36. Assistants—discharged. The superintendent, warden, or other chief executive officer of the several institutions shall appoint all assistants, guards and employes required in the management of the institution, the number of whom shall be determined by the board. It is hereby declared a misdemeanor for the members of the board, or any officer thereof, to exert any influence by solicitation or otherwise, on the managing officer of an institution in the selection of any employe or assistant. The said chief executive officer may at his pleasure discharge any person employed,

but shall keep in the record of employes the date of such discharge, and shall place opposite his name the reason therefor.

SEC. 37. Institution salaries. The board shall, prior to July 1st, 1898, and annually thereafter fix, with the written approval of the governor, the annual or monthly salaries of all the officers and employes in the several institutions, except such as are fixed by the general assembly. The board shall classify the officers and employes into grades, and the salaries and wages to be paid in each grade shall be uniform in similar institutions in the state. The schedule of wages so fixed shall become operative on July 1st of each year. The salaries and wages shall be included in the monthly estimates as hereinafter provided, and paid in the same manner as other expenses of the several institutions. Officers entitled to food supplies for their families shall receive such allowance from the supplies furnished for the patients and inmates of the institution. The word "family" shall be construed to mean only the wife and minor children of an officer.

SEC. 38. Local treasurer abolished. The treasurers of the institutions placed under the management of the board of control will be relieved of their duties, and all such offices will be abolished on July 1st, 1898. Such local treasurer shall account to the proper authorities for all moneys, books, records, vouchers or other evidences of property belonging to his office, and in his possession. It shall be the duty of the state treasurer to receive all moneys and evidences of indebtedness in the hands of said treasurer, and a failure on the part of any such treasurer to properly account to the state treasurer on July 1st, 1893, without further process of law, shall be by the said state treasurer immediately reported to the attorney general for such action as may be proper in the premises.

SEC. 39. Moneys remitted to state treasurer. All moneys belonging to the state, derived from any source at any of the institutions under the control of this board, shall be by the proper executive officer, named by the board, accounted for and remitted to the state treasurer on the first day of each month, and all funds for the necessary expenditures of such institutions shall be drawn from the state treasury, as provided in this act.

SEC. 40. Triplicate estimates—revision—purchase of supplies. The superintendent, warden, or other chief executive officer, as may be designated by the board of control, shall on or before the fifteenth day of each month, cause to be prepared triplicate estimates in minute detail, including estimated cost of each item, of all the expenditures required for the institution for the ensuing month. Such estimate shall also include a statement of the source and amount of all the revenues received by the said institution and accounted for to the state treasurer on the first day of each month. Two of said triplicate estimates shall be sent to the office of the board, and the third shall be kept by said superintendent, warden, or other chief executive officer. The board may revise the estimates for supplies or other expenditures, either as to quantity, quality or the estimated cost thereof, and shall certify that it has carefully examined the same, and that the articles contained in such estimate, as approved or revised by it, are actually required for the use of said institution. When the estimates have been so certified and revised, a copy of such revised estimate, duly certified, shall be sent to the institution, and another copy retained by the board. The certified copy sent to the institution shall be sufficient authority to the management of the institution to purchase the supplies enumerated in said estimate, at prices not to exceed those therein named, and not otherwise. Said supplies shall be so purchased as to permit at least thirty days' time to pay therefor, and the steward, clerk or other officer of the institution, designated by the board, shall require itemized bills to be rendered by the persons who furnished supplies, in duplicate, for all purchases, whether made upon contract or otherwise, which shall be in the following form:

The state of Iowa, on account of the
Institution (Date).

To.....Dr. (Here insert an itemized account of goods or property purchased.)
 The State of..... }
 County of } ss.

I,, on oath say that the foregoing bill of account is correct and just, and wholly unpaid; that the exact consideration therein charged for was received by the said institution; that neither the same nor any part thereof has since been commuted; and that neither bonus, commission, discount, nor any other consideration, directly or indirectly, has been given, or stipulated, within my knowledge or belief, because of the purchase thereof, as therein set forth, or for any other reason. (To be signed by the person having personal knowledge of the facts therein set forth.)

Sworn to and subscribed before me this.....day of.....

I hereby certify that the above account is correct, and that the articles therein charged have been received in good order by the..... institution.

.....
 Steward, clerk or other designated officer.

It shall be endorsed as follows.

No..... Institution. §.....
 Passed upon by the board of control on the.....day of....., and ordered paid.

.....
 Secretary of the Board of Control.

SEC. 41. Monthly statement—affidavit. The steward, clerk or other officer, who may be designated by the board, shall prepare a monthly statement showing purchases and expenditures of every kind for the preceding month, which shall be signed by such officer, approved by the chief executive officer of the institution, and filed with the board on a day certain to be fixed by said board. Attached thereto shall be the affidavit of such steward, clerk or officer, as the case may be, stating that the goods and other articles therein specified were purchased and received by him or under his direction at the institution, and were purchased at a fair, cash, market price, on credit not exceeding thirty days, and that neither he nor any person in his behalf had any pecuniary or other interest in the purchases made, or received any pecuniary or other benefit therefrom, directly or indirectly, by commission, percentage, deductions, or in any other manner whatever, and that the articles contained in such bill conformed in all respects to the invoiced goods received and ordered by him, or the samples from which the goods were purchased, both in quality and quantity. If any invoice or statement, or part thereof, is found objectionable, the board shall endorse its disapproval thereon, with its reasons therefor, and return it to the management of the institution, and when the matter complained of is corrected, said statement and invoice shall be returned to the board.

SEC. 42. Pay roll—triplicate abstract—state treasurer. When the monthly statement is so made, approved and verified, it shall be forwarded to the board of control, together with the original invoices of the purchases and a complete and itemized statement of every expense of said institution, including the receipted pay-roll, for the examination and audit of the board, which board shall fix a regular time for the auditing of the accounts of the institution for the preceding month. The monthly pay-roll of each institution shall show the name of each officer and employe, when first employed, the monthly pay, time paid for, the amount of pay, and any deductions for the careles loss or destruction of property. This requirement shall be observed

in all cases, and in no event shall a substitute be permitted to receive compensation in the name of the employe for whom he is acting. When the said accounts are audited, the secretary of the board of control shall, under the seal of the board, prepare in triplicate an abstract showing the name, residence and amount due each claimant, and the institution and the fund thereof on account of which the payment is made. He shall deliver one copy thereof to the auditor of state, another to the treasurer of state, and the third shall be retained in the office of the board. Upon such certificate the auditor of state shall, if the institution named has sufficient funds, issue his warrant upon the treasurer of state for the gross amount as shown by such certified abstract. Said last named officer, upon being furnished by the board with a certified copy of such abstract as herein provided, shall send checks of the treasurer of state to the several persons for the amounts of their respective claims, as certified by the board of control. The treasurer of state shall preserve in his books a record of each check and remittance in the proper manner, showing the date of the issuance of each check, the name of the person to whom it was made payable, and such other data as may be evidence for the state, showing the payment of such indebtedness. The pay-roll of each institution can be paid by a single check sent to the steward, clerk or other officer designated by the board of control. If the treasurer of state shall require more clerical help because of this enactment, the executive council may authorize him to employ an assistant.

SEC. 43. Contingent fund. The board of control may permit a contingent fund, not to exceed in any institution two hundred and fifty dollars (\$250.00), to remain in the hands of the managing officer of such institution, from which expenditures may be made in case of actual emergency requiring immediate action to prevent loss or danger to the institution or to the inmates thereof. A full, minute, and itemized statement of every expenditure made during the month from such fund, shall be submitted by the proper officer of said institution to the board, under such rules and regulations as may be by said board established. If necessary, the board shall make proper requisition upon the auditor of state for a warrant on the state treasurer to secure the said contingent fund for each institution.

SEC. 44. Blanks and forms. The board of control shall formulate and furnish to each institution, proper blanks and forms for all statements and accounts necessary to furnish the information required of such institution.

SEC. 45. Duties of institution officers. The stewards of the hospitals for the insane, the clerks of the prisons, and the proper officer of the other institutions who shall be designated by the board, shall have charge of and be accountable for all the supplies and stores of such institution, and shall be charged therewith at their invoice value, and shall in conjunction with the chief executive officer of each institution make or direct all purchases for such institution as may be ordered by the board, under the estimates as hereinbefore provided. Such officer shall issue all the stores upon requisition approved by the superintendent or other officer designated by the board, which shall be his voucher therefor. He shall present monthly to the board of control an abstract of all expenditures, together with the accounts and pay-rolls for the preceding month, and shall examine and register all goods delivered, according to their amount and quality, and if found to correspond with the samples, and in good order, and correct in charge, he shall certify the bills as herein provided. He shall quarterly take an account of the subsistence, supplies and stock in his possession and under his control, and transmit a copy of such invoice, duly verified, to the board; and at the close of the biennial period he shall make a consolidated report of all purchases, and all other transactions of his department, to the state board. If it shall appear that there is any shortage in the stores of the institution, the board shall appoint a committee from its number to investigate the cause thereof, and if it shall appear that the said shortage resulted from unavoidable

loss, without the negligence of such steward, clerk or other designated officer, then such officer shall be credited therewith; otherwise, he shall be charged with the amount thereof, and shall be required to pay the same into the state treasury within sixty days after the determination of the loss. If default shall be made in said payment, he shall forfeit his office, and suit shall be instituted upon his official bond to recover the same.

SEC. 46. Rules—additional duties. The board of control is authorized to make its own rules for the proper execution of its powers, and may require the performance of additional duties by the officers of the several institutions, so as to fully enforce the requirements, intents and purposes of this enactment, and particularly so much thereof as relates to the making of the estimates and furnishing proper proofs of the expenditures or use of all stocks of subsistence and supplies.

SEC. 47. Contracts. Contracts may be entered into under the direction of the board of control by the proper officers of one or more of the institutions for staples and other articles of supplies, as may be found feasible by the board for the institutions to purchase in bulk for use or consumption for periods longer than thirty days. Such contracts shall not, however, be made except in conformity with the provisions of this act relating to estimates. If thought advisable, such contracts may be executed by the representative of one institution, who may be designated by the board to act for other institutions.

SEC. 48. Purchase of supplies. It shall be the duty of the board to make specific rules and regulations respecting the manner in which supplies shall be purchased and contracts made for the several institutions, so as to insure the competition and publicity necessary to secure the economical management of each institution. Jobbers, or others desirous of selling supplies to an institution, shall, by filing with the chief executive officer of such institution, or with the secretary of the board, a memorandum showing their address and business, be afforded an opportunity to compete for the furnishing of the supplies under such limitations and rules as the board may prescribe. In purchasing all supplies, local dealers shall have the preference, when such can be given without loss to the state. When samples are furnished the same shall be properly marked and preserved for six months after purchase of such merchandise.

SEC. 49. Letting of contracts—labor of inmates utilized. Contracts for the erection, repairs or improvements of buildings, grounds, or properties of the institutions under charge of this board, and for which appropriations have been or may be made by the legislature, must be let for the whole or for any part of the work to be performed, by the chief executive officer of the institution, subject however, to the same rules and regulations as herein provided for the furnishing of estimates by said institution to, and the approval and revision thereof, by the board of control. If the cost of the erection or betterment is not in excess of three hundred dollars (\$300) the board may permit the management of the institution to construct the same by day's labor, without contracting the work. All plans or specifications for the said erections, repairs and improvements, shall be prepared by the architect of the board, under the board's direction. The board shall determine to what extent and for what length of time, and by what means advertisements are to be inserted in newspapers for proposals for the said erections, repairs or improvements. All contracts shall be awarded by the management of the institution to the lowest responsible bidder, subject to the provisions of this act, and the approval of the board, prior to the execution of the contract. The management of the institution has the right to reject any and all bids, and to re-advertise, upon the approval of the board. A preliminary deposit of money or certified check upon a solvent bank in such amount as the board may prescribe shall be required as an evidence of good faith, upon all proposals for the construc-

tion of said buildings, repairs and improvements, which deposit or certified check shall be held by the management of the institution under the direction of the board. The provision of this section which requires all work to be let by contract, shall not be mandatory as to the labor on the construction work at the penitentiaries, but the board shall establish such rules, and enforce the provisions of this act so that the construction work at the penitentiaries shall be performed in a manner agreeable thereto, with the strictest accountability exacted in the consumption of all supplies for construction purposes, and in the expenditure of the public moneys. On proper representations the board is authorized to so construct the erections, betterments and improvements at other institutions, that the work of inmates may be utilized, if it is found to be advantageous to the state, and a substantial saving made, but the attempt to use such labor shall not permit a substantial departure from the requirements of this section; and in no case shall any expenditure be made except on estimates submitted to and approved by the board, as provided herein. No payment shall be authorized for construction purposes until satisfactory proof has been furnished to the board of control, by the proper officer or supervising architect, that the contract has been complied with by the parties; and all payments shall be made in a manner similar to that in which the current expenses of the several institutions are paid.

SEC. 50. Cherokee commission abolished. The members of the building commission authorized to construct the hospital for the insane at Cherokee shall be relieved from such duty, and the commission abolished on July 1st, 1898. Before said last named day the said commission shall surrender to the board of control all plans, specifications, books, records and other properties belonging to or in the possession of the said commission, or any member thereof. The said board shall succeed to and be vested with all the powers of the said building commission, and all duties thereof will be performed by said board, and all legislation affecting the powers, duties or obligations of said building commission shall, so far as applicable, apply with equal force to the said board of control. The said board shall, call upon any of the superintendents of the hospitals for the insane for such information or service as the board shall deem proper; and the said superintendents shall respond to such call for the compensation provided in the act relating to the building commission of the hospital for the insane at Cherokee. All outstanding obligations of said commission shall be executed and performed by the board of control, but this shall not prevent said board from selecting all its agents or employes in the work of construction, which shall be executed in a manner agreeable to and pursuant to the provisions of this act.

SEC. 51. Educational institutions. In addition to the powers heretofore mentioned to be exercised by the board of control, the said board shall investigate thoroughly the reports and doings of the regents of the state university, and the trustees of the state normal school, and the state college of agriculture and mechanic arts and the books and records of said institutions, for the purpose of ascertaining:

1. Whether the persons holding positions have faithfully accounted for all moneys of the state which have been drawn from the state treasury or have come into their hands otherwise.
2. If appropriations have been drawn from the state treasury in accordance with law and so expended.
3. Whether such persons have drawn money for services, per diem, mileage or expenses, or otherwise, not authorized by law, or have authorized expenditures without authority of law.

SEC. 52. Powers as to same. The said board shall have power to visit the educational institutions, subpoena and examine witnesses and enforce attendance, and to require the production of books, records, papers and memoranda.

SEC. 53. Investigation of management. It shall be the duty of said board to investigate the manner in which all contracts for the educational institutions have been let, and to ascertain whether or not the matters in charge of such officials are conducted in an economical and business-like manner; and to report the result of such investigation to the governor with the other reports to be filed with that officer.

SEC. 54. Estimates of cost, etc. And when any of the three last above named educational institutions shall ask appropriations for any buildings or betterments, said institution or institutions shall first have prepared by the architect provided for in this act, estimates of the cost, plans and specifications of said buildings or betterments, and submit the same to the following general assembly.

SEC. 55. Repealed. Existing laws relating to the institutions referred to in this act, which are not inconsistent with the provisions of this act, shall remain in force, and all acts or parts of acts in conflict with, or inconsistent with this act, are hereby repealed.

SEC. 56. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published at Des Moines, Iowa.

Approved March 26, 1898.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, March 29, 1898.

G. L. DOBSON,
Secretary of State