

A BILL

FOR AN ACT CREATING A BOARD OF SCHOOL-BOOK COMMISSIONERS TO PROVIDE FOR FURNISHING TEXT-BOOKS FOR THE USE OF THE PUBLIC SCHOOLS AND TO PROVIDE FOR UNIFORM TEXT-BOOKS IN THE SCHOOLS OF THE STATE OF IOWA.

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

SEC. 1 That the state superintendent of public instruction, for the time being the president of the State Agricultural College at Ames, Iowa, the president of the State University at Iowa City, the president of the State Normal School at Cedar Falls, Iowa, and the president of the Historical Society at Iowa City, Iowa, be and are hereby constituted the board of school book commissioners for the purpose of this act.

SEC. 2 It shall be the duty of the school book commissioners, as soon as practicable, after the passage of this act to advertise weekly for six weeks in succession in six different localities in this state, that sealed proposals will be received at the office of the state superintendent of public instruction for furnishing and selling to the state a series of school text-books, to be uniformly used in the public schools of the state of Iowa, for the term of ten years from September 1st, 1890. The said board shall have the right to reject any and all bids, and may if in their judgment, unlawful combinations have been formed readvertise for proposals and bids and may accept bids for particular kinds of books offered. For the use of said board there is hereby appropriated the sum of five hundred dollars to be paid out of any funds in the state treasury not otherwise appropriated.

SEC. 3. Such proposals or bids shall be accompanied by five samples of each of the books proposed to be furnished the same to be inspected by the board and thereafter to be deposited in the office of the state superintendent of public instruction together with a statement of the price of each of said books, and the person, firm or corporation making such proposal shall file a bond in the sum of five thousand dollars, conditioned upon entering upon said contract in the event of the acceptance of said proposal or bid, said bond to be approved by said board.

Upon the acceptance of any proposal or bid, for the whole or any part of the series of school text-books, by said board the contracting party or parties, shall furnish a bond running to the state of Iowa in the sum of one hundred thousand dollars of such proportioned part thereof as the board of commissioners may determine for the faithful performance of

12 said contract and of all the details thereof. Such bond to be approved by the state executive
13 council and filed in the office of the state auditor.

SEC. 4. Such contract shall provide that the person, firm or corporation whose bid
2 shall be accepted shall keep the office or place of business in Des Moines, Iowa, and for the said
3 term of ten years shall fill the valid and authorized order for school books received under
4 this act, from any and all district townships, independent school districts in Iowa at the prices
5 named in the proposal or bid.

6 Said books to be delivered at the county seats of the counties wherein such school districts
7 are located or at such railroad depots as may be designated in such orders.

8 The quality in matter and material of the books furnished under this contract shall cor-
9 respond with the samples on file in the office of the state superintendent of public instruction
10 and furnished with the bid and shall be determined by the board of school book commission-
11 ers, provided said book shall not cost and the state shall not pay a sum greater for said books
12 than the price set out in the schedule, to-wit:

13 For a Speller equal to Watson's Complete.....	15
14 For a First Reader equal to Monroe's First.....	12
15 For a Second Reader equal to Monroe's Second.....	20
16 For a Third Reader equal to Monroe's Third.....	30
17 For a Fourth Reader equal to Monroe's Fourth.....	40
18 For a Fifth Reader equal to Monroe's Fifth.....	50
19 For a First Grammar equal to Clark's brief Grammar.....	30
20 For a Second Grammar equal to Clark's Practical Grammar.....	50
21 For a First Part Arithmetic equal to Ray's First Part.....	12
22 For a Second Part Grammar equal to Ray's Intellectual.....	20
23 For a Third Part Arithmetic equal to Ray's Practical Revised.....	45
24 For a Geography equal to Harper's First.....	50
25 For a Geography equal to Harper's Complete.....	90
26 For a Physiology equal to Steel's Abridged.....	35
27 For a Physiology equal to Steel's Fourteen Weeks.....	75
28 For a History of the United States equal to Barn's Brief History.....	75

SEC. 5. The board of commissioners shall convene at Des Moines for the purpose of per-
2 forming the duties imposed upon them by this act, at such time or times as the contractor or
3 state superintendent shall require it to do so; and the person composing such commission,
4 other than the state superintendent of public instruction, shall each receive five dollars per
5 day for each day actually occupied in performing the duties required by this act. The con-
6 currence of a majority of such commission shall be sufficient to determine any question com-
7 ing before it, under the provisions of this act.

SEC. 6. For the purpose of carrying out the provisions of this act there is hereby appro-

2 priated and set apart the sum of one hundred thousand dollars, to be used as a revolving fund,
3 and designated as the school text-book fund. This fund shall, at all times, be subject to the
4 warrants of the state auditor, issued to the contractor, in payment for school books delivered
5 to the district townships and independent school districts, on the order of the state super-
6 intendent of public instruction, and all payments of moneys to the treasurer of state by
7 the county treasurers, on account of school books delivered to the sub-district township and
8 independent school districts in said counties, shall be credited by the state treasurer to the
9 school text-book fund herein provided for.

SEC. 7. It shall be the duty of the secretary of the sub-district townships and secretary
2 of the independent school district of this State, to make out an estimate of the number of
3 school books required for one year's supply for his sub-district township or independent
4 school district, designating the number of each kind required, and forward the same, on the
5 first day of May in each year, to the county superintendent of public schools in his county.
6 And it is hereby made the duty of the county superintendent of each county in this state,
7 upon receiving the estimates of the books wanted in his county from the secretaries of the
8 sub-district townships and independent school districts, or any one of them, to make out his
9 requisition, on or before the first day of June following, upon the state superintendent of
10 public instruction, for all the books required by the sub-district township and independent
11 school districts in his county. The state superintendent of public instruction shall, on or
12 before the first day of July of each year, make his requisition upon the contractor for the
13 whole number of books wanted throughout the state.

SEC. 8. It shall be the duty of the contractor, as soon as possible after receiving the
2 requisition of the state superintendent of public instruction, for the books ordered by the
3 county superintendents to forward the books required to the address of the secretaries of the
4 sub-district townships and the secretaries of the independent school districts, at the county
5 seats, or to the nearest railroad stations in proximity thereto, freight prepaid. And upon
6 filing the requisitions, together with the shipping receipts, with the state superintendent of
7 public instruction, it shall be the duty of said state superintendent to certify the amount due
8 the contractor, and the state auditor shall thereupon issue his warrant upon the state treas-
9 urer for the amount so certified, payable out of the school text-book fund provided for in sec-
10 tion six of this act.

SEC. 9. As soon as may be, after any county superintendent shall have received of any
2 secretary of any sub-district township or secretary of any independent school district, the
3 estimate of the number of books required to supply his sub-district township or independent
4 school district, as the case may be, it shall be the duty of the county superintendent to file a
5 true copy of the same, certified under his hand, with the auditor of the county, and thereupon
6 such county auditor shall make out and file with the county treasurer of his county a state-
7 ment specifying the total cost of all the books included in the estimate of secretary of each

8 sub-district township and each independent school district in his county, with two per cent
9 added to meet the expense required to transmit the books from Des Moines to their
10 destination.

SEC. 10. Upon receipt by any county treasurer from the auditor of his county of any
2 such statement as is mentioned in the preceding section, it shall be the duty of such county
3 treasurer to charge the same to the account of such sub-district township, or independent
4 school district, as the case may be, and retain the total amount specified therein, out of any
5 moneys belonging or payable to such sub-district township, or independent school district,
6 accruing from the permanent school fund then in his hands, or which thereafter may come
7 into his hands, until such amount shall have been fully paid.

SEC. 11. The moneys retained by the county treasurer in pursuance of the next preceding
2 section, shall be applied to the repayment of the state for the amount paid by it for books
3 furnished to the district townships and independent school districts to which the money
4 belongs and is payable. In case any of the money so retained should remain after the state
5 has been fully repaid, any such surplus shall be paid over to the proper sub-district township,
6 or independent school district, to which it belongs.

SEC. 12. The state superintendent of public instruction shall, upon the filing of the requi-
2 sition in his office, and the shipping receipts of the same, send to the auditor of the county
3 a statement of the number and prices of the books sold to each sub-district township and
4 independent school district in his county. The county auditor shall, as soon as may be, file
5 the statement with the county treasurer, who shall remit the cost of the books, with the
6 freight advanced, to the state treasurer.

SEC. 13. It shall be the duty of the state superintendent of public instruction to have
2 printed lists of prices of said books, and to supply each sub-district township and independent
3 school district in the state with the same. And it shall be the duty of the secretaries of the
4 sub-district townships and the secretaries of the independent school districts to sell such
5 books at cost. The secretaries of the sub-district townships and the secretaries of the inde-
6 pendent school districts shall pay the money derived from the sale of the books to the treas-
7 urer of the sub-district township, or the treasurer of the independent school district, as the
8 case may be, and it shall be a part of and used as the teachers' fund, *provided*, that the sub-
9 directors of the sub-district township, or independent school district, may designate a place
10 in a city or a village as a repository, and designate some person as agent to sell the books
11 furnished in pursuance of this act. And such agent shall be entitled to add to the price of
12 such book as fixed by the state superintendent of public instruction, for his own services, a
13 commission not to exceed ten per cent of the list price as fixed by the state superintendent of
14 public instruction.

SEC. 14. In any case the person selling or handling the books furnished to the sub-district
2 townships and independent school districts, shall be required to give a bond, the amount to

3 be determined by the board of sub-directors of the sub-district township, or the board of
4 directors of the independent school district, as the case may be, with two good and sufficient
5 sureties, to be approved by the sub-directors, or board of trustees, as the case may be, run-
6 ning to the treasurer of the sub-district township, or treasurer of the independent school
7 district, conditional for the faithful discharge of his duties as such agent, and for the pay-
8 ment monthly to the sub-district township treasurer, or treasurer of the independent school
9 district, the price of all books sold by him during the period of his agency, as fixed by the
10 state superintendent of public instruction, and also for the return of all books remaining
11 unsold at the termination of his agency. Such bond shall be filed with the president of the
12 board of sub-directors of the sub-district township, or the president of the board of directors
13 of the independent school district.

14 *Provided*, that whenever any secretary has failed to order the number of books, or the
15 number of any kind of books actually required and needed by the pupils in any sub-district
16 township, or independent school district, the said secretary, or any citizen of said district,
17 shall have the right to order such books so needed, directly from the contractor, at state list
18 prices. And the contractor may designate at least one person in each organized township in
19 this state, who may act as a depository, to whom the contractor may furnish supplies of state
20 text-books, at the state list price, and the depository shall be entitled to charge a commission
21 not to exceed ten per cent for handling the same, and payment may be made according to
22 the law of merchants.

SEC. 15. It is hereby made the duty of the state superintendent of public instruction,
2 within thirty days after the passage of this act, to procure and forward to the superintendent
3 of each county, blank for secretaries of district townships and secretaries of independent
4 school districts, and for agents of depositaries designated in pursuance of this act, and other
5 blanks required in pursuance hereof, and it shall be the duty of the county superintendent to
6 immediately transmit such blanks to the officers requiring the same.

SEC. 16. The secretary of the sub-district township and secretary of each independent
2 school district shall, on the first day of May, annually, make a report to the county auditor
3 of the number and price of school text-books furnished by the state and sold, and the num-
4 ber of books and price remaining on hands for the preceding year, and shall report quarterly
5 to auditor of county the amount of money received from the sale of books.

6 Any secretary of any sub-district township or any secretary of any independent school
7 district who shall embezzle the money derived from the sale of said books, or shall fraudu-
8 lently convert the same to his own use, shall be deemed guilty of larceny and punished
9 accordingly.

SEC. 17. Within twelve months after the printed lists and prices have been printed and
2 furnished by the state superintendent of public instruction, and for the period of ten years
3 thereafter, no school text-books shall be used in the public schools of this state, except the
4 text-books provided for under the provisions of this act.

5 *Provided*, that this act shall not be construed to prevent pupils who have advanced beyond
6 the studies embraced in said books from using other books. *Provided, further*, that this act
7 shall not be obligatory upon school boards acting under special charters, or prevent a revision
8 of the text-books at the expiration of five years after their introduction.

SEC. 18. After one year from the time the county superintendent receives from the state
2 superintendent of public instruction the printed lists and prices of said books, the county treas-
3 urer shall pay no part of the permanent school fund tax belonging to any sub-district town-
4 ship or independent school district to the treasurer of such sub-district township or indepen-
5 dent school district until such treasurer shall produce the certificate in writing of the county
6 superintendent of public schools in his county, certifying that the text-books provided for by
7 this act have been introduced into the schools of his district township or independent school
8 district, to the exclusion of all other series of school text-books; *provided, further*, that it
9 shall not be obligatory upon teachers in the public schools of the state to hear pupils recite
10 from any other series of text-books than those provided for by this act.

SEC. 19. The board of directors of any district township or independent school district,
2 upon petition of one-third of the electors of said district, four weeks' notice having been
3 given by publication or posting notices in four different places in said district, shall submit to
4 the electors of such district, at the next regular election, the following proposition: "Shall
5 the district supply school text-books and other school supplies to the pupils free of cost?"

SEC. 20. In the event that the proposition is adopted by a majority of the qualified elec-
2 tors present and voting at such election, the board of directors shall proceed in the manner
3 prescribed in this act, for the purchase of school text; shall, through their secretary,
4 supply the pupils of the district with books, which shall be loaned to the pupils, to remain
5 the property of the district, and used by them under such rules and regulations as the county
6 superintendent of schools in the county wherein such district is located, shall from time to
7 time prescribe. In the event the proposition is rejected, it shall be the duty of the board to
8 furnish the school text-books as provided in this act.