

## A BILL

FOR AN ACT CREATING A BOARD OF TEXT-BOOK COMMISSIONERS, DEFINING THEIR DUTIES AND PROVIDING FOR SECURING BIDS FOR AND APPROVING TEXT-BOOKS FOR USE IN CERTAIN OF THE PUBLIC SCHOOLS OF THE STATE OF IOWA, AND PROVIDING FOR THEIR ADOPTION AND DISTRIBUTION, AND DEFINING THE DUTIES OF CERTAIN OFFICERS HEREUNDER.

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

SECTION. 1. That the superintendent of public instruction, the president of the state university and the president of the state normal school, together with the executive council, are hereby constituted a state text-book commission for the purpose of securing bids for and approving text-books for use in certain of the public schools of the state of Iowa.

SEC. 2. Said commission shall, immediately upon the taking effect of this act, and every five years thereafter, advertise for twenty-one consecutive days in two daily papers having a large and extended circulation and published in this state, and in one newspaper of general circulation published in each of the cities of New York, Philadelphia, Cincinnati, Chicago and St. Louis, that at a time and place to be fixed in said notice not later than six months from the first publication thereof, said text-book commission will receive sealed proposals for supplying text-books for use in certain of the public schools in the state of Iowa, for the period of five years, from and after the first day of January succeeding the acceptance of any bid. Each bid shall be accompanied by a bond in the penal sum of fifty thousand dollars, if the bidder wishes to bid upon the whole series of text-books, or ten thousand dollars for each branch thereof, should he desire to bid upon only a part of said series, and having freehold security, to be approved by the governor of the state, conditioned that if any contract be awarded him hereunder, he will enter into a contract to perform, and that he will perform the conditions of his bid to the satisfaction of said text-book commission and in full accord with the provisions of this act and said bond shall be in full force during the time of said contract. He shall also file with said commission, at least thirty days before the day set for opening said bids, seven copies of each of the books upon which he intends to bid. Said text-books shall be of the kind, grade and size directed by said text-book commission; they shall be known as "The Iowa Educational Series," and shall bear upon the title page of each book the imprint, "Adopted by the State Text-book Commission and approved for use in the public

21 schools of the state of Iowa," and in point of material, binding and mechanical execution, as  
22 well as in matter and quality of contents shall be equal to the eclectic series of school books  
23 as now published. Any failure of the contractor to maintain this standard or to make all  
24 books equal to the specimen copies filed, shall be a misdemeanor and be a sufficient reason  
25 for said commission to declare the forfeiture of his bond.

SEC. 3. It shall be the duty of the said text-book commission to meet at the time and  
2 place mentioned in said notice and to open and examine all sealed proposals received pursu-  
3 ant to the notice provided for in section two hereof, and after making a careful and complete  
4 examination of each and every bid, and of the sample books filed, they shall then award the  
5 contract, taking into consideration the contents and quality of each book as well as the ma-  
6 terial, binding, mechanical execution and price thereof. They shall have power to accept the  
7 whole or a part of any bid; they may also reject any or all bids, and no bid shall be accepted  
8 that exceeds in price 60 per cent of the present wholesale list price of the eclectic series of  
9 school books as now published. Said price shall be in full for all expenses connected with  
10 the furnishing of said books, including necessary blanks and the free delivery of said books  
11 to county superintendents as hereinafter provided for. Upon failure to secure satisfactory  
12 bids upon any or all of said text-books needed, said commissioners are hereby directed to re-  
13 advertise as provided for in section two hereof, and to so continue until satisfactory contracts  
14 are made. No contract shall be binding or in full force until the books covered by said con-  
15 tract have been adopted for use in at least two hundred districts in the state, as shown by re-  
16 ports on file with the superintendent of public instruction, as hereinafter provided for, un-  
17 less said contractor shall otherwise elect.

SEC. 4. It shall be a part of the terms of every contract that may be made in pursuance  
2 of the provisions of this act that the state of Iowa shall not be liable to any contractor here-  
3 under for any sum whatever, but that all such contractors shall receive their pay and com-  
4 pensation solely and exclusively from the proceeds of the sale of the books as provided for  
5 in this act.

SEC. 5. As soon as said commission shall have entered into a contract for books, as herein  
2 provided for, the governor shall issue his proclamation announcing such fact to the people of  
3 this state.

SEC. 6. It shall be the duty of the secretary of every board of directors in the state to  
2 call a meeting of said board within sixty days of the issuing of said governor's proclamation;  
3 at said meeting the said directors shall by vote decide whether or not they will adopt the  
4 books selected by the state text-book commission as herein provided for, for use in the public  
5 schools of their respective districts, and no district will be entitled to draw their apportion-  
6 ment of public money until they have complied with the provisions of this act, and the county  
7 treasurer shall require a certificate to that effect signed by the secretary of the district before  
8 he shall pay to said district their apportionment of the school fund. Should any district

9 decide not to adopt said text-books for use in their schools, they shall at every September  
10 meeting thereafter, until said books are adopted, vote upon said question in the same manner,  
11 and the county treasurer shall require the fulfillment of the same conditions as before pro-  
12 vided in this section. Upon the adoption of the text-books herein provided for, and at every  
13 September meeting thereafter, said board of directors shall carefully estimate the number of  
14 text-books of each kind that they will probably need for use in the public schools of their  
15 respective districts, for the period of one year from and after the first day of the following  
16 January, and the secretary shall at once file with the superintendent of schools for that county  
17 a true copy thereof. Said board may also purchase said text-books and furnish them free of  
18 charge for the use of the pupils of that district, or they may purchase said books and sell  
19 them to pupils at the contract price or at 10 per cent above said price, and may draw money  
20 from the contingent fund for any of said purposes.

SEC. 7. The superintendent of schools for each county shall promptly notify each con-  
2 tractor for furnishing books, as herein provided, of the districts that have adopted the books  
3 published by them, and on the first day of November of each year shall furnish them a careful  
4 estimate of the number of books of each kind that will be needed for use in the public schools  
5 of his county for the succeeding year. He shall at the same time furnish the superintendent  
6 of public instruction with a copy of the same reports and estimates. He shall promptly notify  
7 the state superintendent of public instruction of the districts that have adopted the books  
8 herein provided for, giving the name and address of each secretary thereof, and in his annual  
9 report he shall give the number and kind of each book sold. He shall from time to time  
10 make requisition on the contractors for supplying books, as herein provided, for such books  
11 as may be needed for use in the public schools of his county. He shall carefully care for and  
12 protect the same from damage, and shall promptly furnish at the contract price, so far as his  
13 supply of books will permit, all books ordered by the various districts and by dealers requir-  
14 ing cash payment for the same, unless contractors on their own responsibility otherwise  
15 arrange. He shall remit promptly each month the amount that may be due each contractor  
16 for books sold, and shall before the tenth day of January, April, July and October of each  
17 year, forward to each contractor a sworn report showing the number, kind, and value of each  
18 book sold during the year, and number, kind, and value of each book remaining on hand,  
19 and that he has remitted for all books sold. His text-book accounts, his reports and stock  
20 of text-books, shall be open to examination by any contractor. He shall, before receiving any  
21 books herein provided for, enter into a bond having at least two freehold sureties, to be  
22 approved by the county auditor of that county, in the penal sum of five thousand dollars, if  
23 there be but one contractor for all the books herein provided for, or one thousand dollars for  
24 each branch of said text-books, should there be contractors for only a part of the books herein  
25 provided for, running in the name of the respective contractors, conditioned that he  
26 will well and faithfully perform all of the duties required of him by this act.

SEC. 8. The contractor or contractors for the books herein provided for shall, within  
2 ninety days of their notification by the state superintendent of public instruction that the  
3 books covered by their contract have been adopted by the number of districts required to  
4 make said contract binding, and as often thereafter as may be required, deliver free of  
5 freight or express charges, to each county superintendent of schools the number and kind of  
6 text-books required by him for use in the public schools of his county; all books furnished by  
7 them to be considered their property until sold. Upon failure of said contract to supply said  
8 books at the time and in the quantity, and of the quality herein provided for, the governor  
9 of the state shall, upon the reasonable showing of said failure, commence suit for the forfeiture  
10 of said bond of said contractor or contractors.

SEC. 9. The sale of any of the books herein provided for, at a greater price than the con-  
2 tract price, plus ten per cent, shall be a misdemeanor and shall make the seller liable to the  
3 person aggrieved for ten times the value of each book so sold.

SEC. 10. The sum of one thousand dollars is hereby appropriated out of any money not  
2 otherwise appropriated for the purposes of carrying out the provisions of this act and  
3 paying the expenses incident thereto.

4 All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 11. This act being deemed of immediate importance shall take effect from and  
2 after its publication in the Iowa State Register and Des Moines Leader, newspapers published  
3 in Des Moines, Iowa.