

A BILL

FOR AN ACT TO CREATE A STATE BOARD OF EDUCATION FOR THE STATE UNIVERSITY, THE COLLEGE OF AGRICULTURE AND MECHANIC ARTS, AND THE NORMAL SCHOOL, AND TO PRESCRIBE ITS DUTIES AND TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF THE STATE UNIVERSITY, THE COLLEGE OF AGRICULTURE AND MECHANIC ARTS, AND THE NORMAL SCHOOL, TO MAKE APPROPRIATIONS THEREFOR, AND TO REPEAL SECTIONS TWO THOUSAND SIX HUNDRED SEVENTEEN (2617), TWO THOUSAND SIX HUNDRED EIGHTEEN (2618) TWO THOUSAND SIX HUNDRED NINETEEN (2619), TWO THOUSAND SIX HUNDRED TWENTY (2620), TWO THOUSAND SIX HUNDRED THIRTY-FIVE (2635), TWO THOUSAND SIX HUNDRED THIRTY-SIX (2636), TWO THOUSAND SIX HUNDRED FORTY-TWO (2642), TWO THOUSAND SIX HUNDRED FORTY-SIX (2646), TWO THOUSAND SIX HUNDRED FORTY-SEVEN (2647), TWO THOUSAND SIX HUNDRED FIFTY (2650), TWO THOUSAND SIX HUNDRED FIFTY-ONE (2651), TWO THOUSAND SIX HUNDRED FIFTY-TWO (2652), TWO THOUSAND SIX HUNDRED FIFTY-THREE (2653), TWO THOUSAND SIX HUNDRED SIXTY-EIGHT (2668), TWO THOUSAND SIX HUNDRED SIXTY-NINE (2669), TWO THOUSAND SIX HUNDRED SEVENTY (2670), TWO THOUSAND SIX HUNDRED EIGHTY-ONE (2681), OF THE CODE AND THE LAW AS IT APPEARS IN SECTIONS TWO THOUSAND SEVEN HUNDRED TWENTY-SEVEN-A-FIFTY-THREE (2727-A-53), TWO THOUSAND SEVEN HUNDRED TWENTY-SEVEN-A-FIFTY-FOUR (2727-A-54), TWO THOUSAND SEVEN HUNDRED TWENTY-SEVEN-A-FIFTY-FIVE (2727-A-55), TWO THOUSAND SEVEN HUNDRED TWENTY-SEVEN-A-FIFTY-SIX (2727-A-56), OF THE SUPPLEMENT TO THE CODE, 1907, AND TO REPEAL ALL ACTS, AND PARTS OF ACTS INCONSISTENT WITH THIS ACT.

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

SECTION 1. The State University, the College of Agriculture and Mechanic Arts, including
2 the Agricultural Experiment Station, and the Normal School at Cedar Falls shall be governed
3 by a State Board of Education consisting of nine members and not more than six of the mem-
4 bers shall be of the same political party.

SEC. 2. The Governor shall, prior to the adjournment of the Thirty-third General Assembly, 2 nominate, and with the consent of two-thirds of the members of the Senate in executive ses- 3 sion, appoint nine persons from the State at large, and they shall be selected solely with 4 regard to their qualifications and fitness to discharge the duties of their position. No nomina- 5 tions shall be considered by the Senate until the same shall have been referred to a commit- 6 tee of five, not more than three of whom shall belong to the same political party, to be appointed 7 by the President of the Senate without the formality of a motion, which committee shall report 8 to the Senate in executive session, which report shall be made at any time when called for by 9 the Senate. The consideration of nominations, by the Senate, shall not be had on the same 10 legislative day that the nominations are so referred. Three of the members of said Board 11 of Education shall hold office as designated by the Governor for two years; three for four 12 years and three for six years. Subsequent appointments shall be made as above provided, and, 13 except to fill vacancies, shall be for a period of six years. The Governor may, by and with 14 the consent of a majority of the Senate, during a session of the General Assembly, remove 15 any member of the board for malfeasance in office, or for any cause that renders him inelig- 16 ible to appointment, or incapable or unfit to discharge the duties of his office, and his removal, 17 when so made, shall be final. When the General Assembly is not in session, the Governor may 18 suspend any member so disqualified and shall appoint another to fill the vacancy, thus cre- 19 ated, subject, however, to the approval or disapproval of the Senate when next in session. All 20 vacancies on said board that may occur while the General Assembly is not in session shall be 21 filled by appointment by the Governor, which appointment shall expire at the end of thirty 22 days from the time the General Assembly next convenes, and vacancies occurring during a ses- 23 sion of the General Assembly shall be filled as regular appointments are made and before the 24 end of said session.

SEC. 3. The board shall meet four times a year. Special meetings may be called by the 2 board, by the president of the board, or they may be called by the secretary of the board, 3 upon the written request of any five members thereof.

SEC. 4. The State Board of Education shall have power to elect a president from their 2 number; a president and treasurer for each of said educational institutions, and professors, 3 instructors, officers and employes; to fix the compensation to be paid to such officers and em- 4 ployes; to make rules and regulations for the government of said schools, not inconsistent 5 with the laws of the State; to manage and control the property, both real and personal, belong- 6 ing to said educational institutions; to execute trusts or other obligations now or hereafter 7 committed to the institutions; to direct the expenditure of all appropriations the General As- 8 sembly shall, from time to time, make to said institutions, and the expenditure of any other 9 moneys; and to do such other acts as are necessary and proper for the execution of the pow- 10 ers and duties conferred upon them by law. Within ten days after the appointment and qual-

11 ification of the members of the board, it shall organize and prepare to assume the duties to
12 be vested in said board, but shall not exercise control of said institutions until the first day of
13 July, A. D. one thousand nine hundred nine (1909).

SEC. 5. The Board of Regents and the Board of Trustees now charged with the government
2 of the State University, the College of Agriculture and Mechanic Arts, and the Normal School,
3 shall cease to exist on the first day of July, A. D. 1909, and, on the same date, full power to
4 manage said institutions, as herein provided, shall vest in the said State Board of Education.
5 Nothing herein contained shall limit the general supervision or examining powers vested in the
6 Governor by the laws or constitution of the State.

SEC. 6. The said Board of Education shall appoint a finance committee of three from out-
2 side of its membership, and shall designate one of such committee as president and one as
3 secretary. The secretary of this committee shall also act as secretary of the Board of Educa-
4 tion and shall keep a record of the proceedings of the board and of the committee and care-
5 fully preserve all their books and papers. All acts of the board relating to the management,
6 purchase, disposition, or use of lands or other property of said educational institutions shall
7 be entered of record, and shall show how each member voted upon each proposition when a roll
8 call is demanded. He shall do and perform such other duties as may be required of him by
9 law or the rules and regulations of said board. Not more than two members of this commit-
10 tee shall be of the same political party, and its members shall hold office during the pleasure
11 of the board.

SEC. 7. Each member of the board and each member of the finance committee shall take oath
2 and qualify, as required by section one hundred seventy-nine (179) of the Code. The mem-
3 bers of the finance committee, before entering upon their official duties, shall each give an offi-
4 cial bond in the sum of twenty-five thousand dollars (\$25,000), conditioned as provided by
5 law, signed by sureties approved by the Governor and, when so given, said bonds shall be filed
6 in the office of the Secretary of State.

SEC. 8. The board and the finance committee shall be provided by the Executive Council
2 with suitably furnished offices, at the seat of government, and shall be also furnished with all
3 necessary books, blanks, stationery, printing, postage stamps and such other office supplies
4 as are furnished other State officers.

SEC. 9. A business office shall also be maintained at each of the three educational institu-
2 tions, and the board may hire such employes as may be necessary to assist the said finance
3 committee in the performance of its duties, and shall present to each General Assembly an
4 itemized account of the expenditures of said committee. The members of the finance commit-
5 tee shall, once each month, attend each of the institutions named for the purpose of familiar-
6 izing themselves with the work being done, and transacting any business that may properly be
7 brought before them as a committee.

SEC. 10. There is hereby appropriated from any funds in the State treasury not otherwise
2 appropriated, sufficient thereof to pay the salaries and expenses herein authorized.

SEC. 11. Each member of the board shall be allowed seven dollars for each day that he is
2 actually and necessarily engaged in the performance of official duties, not exceeding forty days
3 in any one year, and mileage at the rate of two cents per mile, by the nearest traveled and
4 practicable route; in going from his home to the different institutions, or to other places, and
5 in returning to their home when on official business. Members of the finance committee shall
6 devote his entire time to the work of said institutions and shall each receive a salary of three
7 thousand five hundred dollars (\$3,500), a year. The members of the finance committee and
8 other employes shall be entitled to the necessary traveling expenses by the nearest traveled
9 and practicable route, incurred in visiting the different institutions, or other places in the
10 State, and returning therefrom when on official business.

SEC. 12. All claims of members of the said Board of Education for attendance upon meet-
2 ings of the board for time actually and necessarily spent in official duties, shall be itemized,
3 showing the date of such service and the nature thereof and shall be sworn to by such member
4 and certified by the secretary of the board. It shall then be filed with the Auditor of the State,
5 who shall compute the mileage due such claimant by the nearest traveled and practicable route
6 from his home to the place of meeting and return, and shall enter such mileage on the claim;
7 and, if it be in due form of law, the Auditor shall draw his warrant upon the Treasurer of State
8 for the amount of said attendance and mileage. No compensation shall be allowed any member
9 of such board except as provided herein.

SEC. 13. The Secretary of State shall, upon request, furnish proper blanks prepared in
2 accordance with the preceding section for the purpose of making claims by the members of
3 such board.

SEC. 14. Before any expenses of the members of the finance committee, or other person em-
2 ployed to assist such committee in the performance of its duties, under the direction of the
3 board, shall be paid, a minutely itemized statement of every item of expenditure, duly veri-
4 fied and sworn to by the claimant and certified to by the secretary of the board, shall be filed
5 with the Auditor of State. The verification shall show that the expense bill is just, accurate,
6 and true, and is claimed for cash expenditures or cash disbursements, truly and actually made
7 and paid to the parties named, as shown by said statement. Unless the statement is so veri-
8 fied, and duly audited, payment thereof shall not be made.

SEC. 15. The Auditor shall include in his report to the Governor the amount paid for such
2 services, expenses, and mileage, and to whom paid.

SEC. 16. The office of the financial agent of the College of Agriculture and Mechanic Arts
2 shall cease to exist on the first day of July, A. D. one thousand nine hundred (1909); and, on
3 said date, the said financial agent shall deliver to the finance committee of the Board of Educa-

4 tion all books, papers, and other property belonging to the State and then in his hands.

SEC. 17. The finance committee may loan said funds upon approved real estate security,
2 subject to the following regulations:

3 1. Each loan shall be for a term not exceeding ten years, at a rate of interest to be fixed by
4 said board, payable annually, and the borrower shall have the privilege of paying one hundred
5 dollars (\$100) or any multiple thereof on any interest pay day.

6 2. Each loan shall be secured by a mortgage paramount to all other liens upon approved
7 farm lands in this State, the loan not to exceed fifty per cent of the cash value thereof, exclus-
8 ive of buildings.

9 3. A register containing a complete abstract of each loan and showing its actual condition
10 shall be kept by the secretary of said board and be at all times open to inspection.

SEC. 18. The finance committee of the board shall negotiate loans in accordance with the
2 provisions of the preceding section and shall take charge of the foreclosure of mortgages and
3 collections from delinquent debtors to said fund. The foreclosure of any mortgage belonging
4 to the State University or to the College of Agriculture and Mechanic Arts may be made in the
5 name of the State Board of Education for the use and benefit of the institution to which it be-
6 longs; and, in case of a sale upon execution under foreclosure, the premises may be bid off in
7 the name of the Board of Education for the benefit of the institution to which it belongs; and,
8 if a deed therefor is executed, the premises shall be held for the benefit of such institution, and
9 such lands shall be subject to lease or sale, the same as its other lands.

SEC. 19. The board shall make reports to the Governor and Legislature of its observations
2 and conclusions respecting each and every one of the institutions named, including the regular
3 bi-ennial report to the Legislature covering the bi-ennial period ending June 30th, preceding
4 the regular session of the General Assembly. Said bi-ennial report shall be made not later
5 than October 1st in the year preceding the meeting of the General Assembly, and shall also
6 contain the reports which the executive officers of the several institutions are or may be by
7 the board required to make, including, for the use of the Legislature, bi-ennial estimates of ap-
8 propriations necessary and proper to be made for the support of the said several institutions
9 and for the extraordinary and special expenditures of buildings, betterments and other im-
10 provements.

SEC. 20. Sections two thousand six hundred seventeen (2617), two thousand six hundred
2 eighteen (2618), two thousand six hundred nineteen (2619), two thousand six hundred twen-
3 ty (2620), two thousand six hundred thirty-five (2635), two thousand six hundred thirty-six
4 (2636), two thousand six hundred and forty-two (2642), two thousand six hundred and forty-
5 six (2646), two thousand six hundred forty-seven (2647), two thousand six hundred fifty
6 2650), two thousand six hundred fifty-one (2651), two thousand six hundred fifty-two (2652),
7 two thousand six hundred fifty-three (2653), two thousand six hundred sixty-eight (2668), two

8 thousand six hundred sixty nine (2669), two thousand six hundred seventy (2670), two thousand
9 six hundred eighty-one (2681) of the Code and the law as it appears in sections two thousand
10 seven hundred twenty-seven-a-fifty-three (2727-a-53), two thousand seven hundred twenty-seven-
11 a fifty-four (2727-a-54), two thousand seven hundred twenty-seven-a-fifty-five (2727-a-55), two
12 thousand seven hundred twenty-seven-a-fifty-six (2727-a-56) of the Supplement to the Code,
13 1907, and all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 21. This act, being deemed of immediate importance, shall take effect and be in force
2 from and after its publication in the Register and Leader and the Des Moines Capital, news-
3 papers published in Des Moines, Iowa.