

A BILL FOR

An Act to create a text book board and committee for the purpose of preparing for use in the public schools of the state a uniform system of text books, registers, records, and school apparatus, to regulate the sale of school books and school supplies to define the duty of bidders and certain officers in carrying out the provisions of this act, and to provide penalties for the violation of same.

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

1 Section 1. There is hereby created a board to be known as
2 the Text Book Board consisting of the Executive Council and the
3 Superintendent of Public Instruction. The Secretary of the
4 Executive Council shall act as the secretary of the Text Book Board,
5 and he shall keep a correct record of all proceedings, votes and
6 actions of the board, which said records shall be deposited in his
7 office.

1 Sec. 2. The Text Board shall appoint a committee of five to
2 be known as the Text Book Committee, and to consist of two county
3 superintendents, one city superintendent and two other residents of
4 the state not in any manner connected in a professional capacity with
5 any education institution. No two members of the Text Book Committee
6 shall be resident of the same congressional district.

1 Sec. 3. The Text Book committee shall be called by the
2 governor, within thirty days after the passage and approval of this
3 act, and said committee is hereby empowered to select and adopt a
4 uniform system of series of school text books, registers, records,

5 maps, charts, globes, and other school apparatus, for use in all the
6 Public schools of Iowa, and the series so selected shall include all
7 the studies taught in the Public schools of the state up to and in-
8 cluding the twelfth grade. Provided, that none of said text books
9 shall contain anything of a partisan or sectarian character. Each
10 bidder presenting books for adoption shall state at what price the
11 books are offered, as basic books, and as supplementary books: Provid-
12 ed, that the committee may adopt supplementary readers, but readers
13 shall not be used to the exclusion of basic readers. The duly con-
14 stituted authorities in charge of any private school, or other educa-
15 tional institution, desiring to use any of the books selected by said
16 committee in such school shall have the privilege of buying said
17 books at the same price and on the same terms at which they are
18 furnished to the Public Schools.

19 Sec. 4. As soon as practicable, at the time fixed in the
20 notice and in such manner as the board may deem best, the chairman
21 shall advertise for at least thirty days, for sealed bids on proposals
22 from the publishers of said text books for furnishing books, registers,
23 records and apparatus to the Public schools of this state as hereto-
24 fore provided. The bids or proposals shall be for furnishing the
25 books, registers, records and apparatus for a period of five years,
26 commencing August first, nineteen hundred twenty-four. Each bid shall
27 state specifically and clearly the retail price at which each book,
28 register, record and apparatus shall be furnished. Each bid or pro-
29 posal shall be accompanied with specimen copies of each and all books
30 offered in said bid, which specimen copies of books shall be sent, by

13 express or mail to the governor, and it shall be required that each
14 bidder deposit with the treasurer of the state of Iowa, such sum of
15 money as the board shall require, not less than five hundred dollars
16 nor more than twenty-five hundred dollars, according to the value of
17 the books, registers, records and apparatus, each bidder may propose to
18 supply. Such deposit shall be forfeited to the state if such bidder
19 so depositing shall fail to make and execute such contract and bond
20 as provided in this act within such time as the board may require, which
21 time shall be specified in the notice advertised. Each bid shall be
22 accompanied by a sworn statement, showing the ownership of such pub-
23 lishing house, with the interest, names and addresses of such owners
24 and especially stating whether or not the said publishers or the owners
25 of any interest of share of any such publishing house is the owner of
26 any interest of share of any other publishing house, and if so, give
27 the name and address thereof. Any contracts entered into under the
28 provisions of this act with any publisher who may hereafter become a
29 party to any combination of trust for the purpose of raising the price
30 of school text books, registers, records, or school apparatus used in
31 this state, in the discretion of the board shall become null and void.

1 Sec. 5. Each bid shall also be accompanied by a sworn state-
2 ment that no member of the Text Book Committee is in any manner
3 interested, directly or indirectly, in the firm or corporation submit-
4 ting a bid. If the fact shall be disclosed that any member of the
5 committee is so interested, it shall work disqualification of such
6 member of the committee, and he shall not be permitted to serve on such
7 committee, or if it should further appear or be disclosed that a member

8 of the committee is interested in any book or series of books as the
9 author or associate author or that any member of the committee is in-
10 terested in any such book or series of books in any manner such fact
11 shall likewise work disqualification of such member and he shall not be
12 permitted to serve on the committee. Each member of the committee,
13 after a called session of the committee at which any books are adopted
14 shall make out and file with the secretary of the Executive Council an
15 affidavit that he is not and has not been, directly or indirectly, in-
16 terested in or relating to any publishing house, person, firm or cor-
17 poration submitting any book, register, record, manuscript, or school
18 apparatus for adopting, or in any book, register, record, manuscript,
19 or school apparatus offered for adoption, nor is he related to any
20 person or agents representatives of any person, firm, or corporation to
21 whom any contract may be awarded by said committee during the term and
22 duration of said contract, and that he is not related to any person, or
23 agents, representing such house, or corporation.

1 Sec. 6. All bids shall be sealed and deposited with the
2 chairman of the board, to be by him delivered to the committee to be
3 examined in executive session for the purpose of considering the same,
4 and after said bids have been delivered to the committee they shall not
5 be withdrawn by the agent or other person representing the firm
6 or corporation submitting the same.

1 Sec. 7. When any person, firm or corporation has been awarded
2 a contract and the contract and bond required has been filed with the
3 board, it shall make an order on the treasurer of the state, reciting
4 such fact, and thereupon the treasurer shall return the deposit of such

5 bidder, but if any successful bidder shall fail to make the contract
6 and bond as heretofore provided, the treasurer shall place the deposit
7 of such bidder in the state treasury to the credit of the available
8 school fund, and the board shall readvertise for other bids to supply
9 such books or school apparatus which said bidders may have failed to
10 supply. All unsuccessful bidders shall have their deposits returned to
11 them as soon as the board has decided not to accept their bids. All
12 books adopted by the board shall be printed in English, except such
13 text books as may be adopted for the teaching of any foreign language.
14 The board shall stipulate in the contract that where a change shall
15 have been made the books now in use in this state, the contractor
16 or contractors shall take in exchange the respective books and receive
17 the same exchange for new books at a price not less than fifty per cent
18 of the contract price. Such exchange period shall not continue longer
19 than one year from the date of contract.

1 Sec. 8. It shall be the duty of the committee to meet at
2 the time and the place mentioned in the notice and advertisement, and
3 it shall adopt rules and regulations as may be necessary to the
4 transaction of its business not contrary to the provisions of this
5 act, and shall then and there open and examine the sealed proposals
6 received, and it shall be the duty of the committee to make a full and
7 complete investigation of all books, registers, records and school
8 apparatus and bids accompanying the same. To this end the board shall
9 refer all samples submitted to the Text Book Committee instructions to
10 examine the same and make to the board within thirty days of said
11 reference a written report of their examination, and such recommendation

12 as the said Text Book Committee shall deem proper and desirable. No
13 hearings shall be had by the Text Book Committee. Each person, company,
14 or corporation submitting bonds or proposals shall be permitted to file
15 a written statement as to the merits of any book or books, register,
16 record or school apparatus offered by such bidder, or they may be per-
17 mitted to appear in person, or by a duly authorized agent, before said
18 committee, and the party so appearing or presenting the claims of any
19 bidder, shall deposit with the committee his proper credentials or
20 authority to represent such bidder. Every person who appears before the
21 board or committee in advocacy of the adoption of any book,
22 register, record, manuscript, or any school apparatus shall file an
23 affidavit showing fully in what capacity he appears and whether he is
24 representing as agents or otherwise, or if he has received or has a
25 contract to receive pay for his services for appearing before said board
26 or committee: Provided that no official of this state or any subdivision
27 thereof shall be allowed to appear as the agent or representative of
28 any text book company, firm or corporation.

1 Sec. 9. The bidder or bidders to whom any contract may have
2 been awarded shall make and execute a good and sufficient bond payable
3 to the state of Iowa in the sum of not less than ten thousand dollars,
4 to be approved by the governor, such bond to be conditioned that the
5 contractor or contractors shall faithfully perform all conditions of
6 the contract. The contract and bond shall be prepared by the attorney
7 general and shall be made to conform with all the requirements of this
8 act, and shall be payable in the county where the seat of government
9 of this state is located, which shall be deposited in the office of the

10 secretary of state. The bond shall not be exhausted by a single recovery
11 thereon but may be sued upon from time to time until the full amount
12 thereof is recovered, and the board may, after twenty days notice, re-
13 quire a new bond to be given, and in the event the contractor or con-
14 tractors shall fail to furnish such new bond, the contract of the con-
15 tractor or contractors may, at the option of the board, be forfeited.

1 Sec. 10. The literary merits and historical accuracy of all
2 books shall be the main point to be considered in their adoption, and
3 the books shall be selected after a careful examination and consideration
4 of all the books presented, and books selected shall be those which,
5 in the opinion of the committee, are most acceptable for use in the
6 various schools of the state, quality, mechanical construction, paper,
7 print, price, authorship, and any other relevant matter being given such
8 weight in making its recommendation as the committee may deem advisable.
9 The committee shall proceed without delay to recommend to the board such
10 books or other supplies as they deem most suitable for use in the schools
11 of this state. The board shall notify publishers to whom contracts are
12 awarded. Each contract shall be duly signed by the publishing house or
13 its authorized officers or agents, and if it is found to be in accord-
14 ance with the award and all the provisions of this act, and if the bond
15 herein required is presented and duly approved, the board shall approve
16 said contract and order it to be signed on behalf of the state, by the
17 governor. All contracts shall be made in duplicate and one copy shall
18 remain in the custody of the secretary of the board and be copied in full
19 in the minutes of the meeting of the board in a well bound book, and
20 the other copy shall be delivered to the publisher or agent thereof.

21 All the books, registers, and records furnished under such contract shall
22 be equal in all respects to the specimens or sample copies furnished with
23 the bids: and it shall be the duty of the state superintendent of public
24 instruction to preserve in his office as the standard of quality and
25 excellence to be maintained in such books, registers, and records, dur-
26 ing the continuance of such contracts, the specimens or sample copies of
27 all books, registers, and records which have been the basis of any con-
28 tract, together with the original bids and proposal. The contract and
29 exchange price of each book shall be plainly printed on the back of each
30 book, together with the following notice: "The price marked hereon is
31 fixed by the state and any deviation therefrom should be reported to
32 the state superintendent of public instruction."

1 Sec. 11. The board shall not, in any case, contract with any
2 publisher of any book or books, registers and records, or any person,
3 firm, or corporation submitting bids for furnishing charts, maps, globes
4 or other school apparatus to be used in the Public schools in this
5 state, at a price in excess of the lowest price in which such publisher
6 or bidders furnish and distribute the same book or books, registers,
7 records, or school apparatus under contract with any other state, county
8 or school district in the United States under like conditions of dis-
9 tribution.

1 Sec. 12. The publishers or bidders shall file with each
2 proposal a sworn statement of the lowest price at which each book, chart
3 map, globe or other apparatus offered is sold anywhere in the United States
4 under like conditions of distribution. Said publishers or bidders must
5 further agree to reduce the price of any book or apparatus adopted by the

6 board, if reductions are made below such contract price anywhere in the
7 United States, so that at no time may any book or apparatus be sold in
8 Iowa at a higher price than is received for the same book, register,
9 record, or apparatus elsewhere in the United States where like conditions
10 of distribution prevail.

1 Sec. 13. Any publisher, person, firm or corporation, submitting
2 bids, or agents of such publisher, person, firm or corporation, who shall
3 connive at or seek to produce a change of the series of text books,
4 registers, records, or any school apparatus by the commission before the
5 expiration of the period in which a uniform system of text books is
6 established in this state shall be guilty of a misdemeanor, and, upon,
7 conviction, shall be fined not less than twenty-five dollars and not more
8 than one hundred dollars for such offense.

1 Sec. 14 It shall be unlawful for any teacher, trustee, or
2 school board of any public school in this state to purchase or contract
3 for any chart, map, globe, or other school apparatus, unless the same
4 shall have been submitted to the text book board of this state at a
5 regular or special session and by them approved and the maximum price there
6 of fixed by said board.

1 Sec. 15. Any person who shall sell to any teacher, trustee, or
2 school board of any public school of this state, any chart, map, globe
3 or other school apparatus, which has not been approved by the text book
4 board of this state and any person who shall request or endeavor to per-
5 suade any such teacher, trustee, or school board, or any member thereof,
6 to purchase any chart, map, globe, or other school apparatus, the sale of
7 which is hereby prohibited, shall be deemed guilty of a misdemeanor, and

8 liable to a fine of not less than one hundred nor more than two hundred
9 dollars.

1 Sec. 16. It shall be a part of the terms and conditions of
2 every contract made in pursuance of this act that the state of Iowa shall
3 not be liable to any contractor thereunder for any sum whatever, but all
4 such contracts shall receive compensation solely and exclusively from the
5 proceeds of the sales of school books as provided in this act, and it
6 is hereby provided that the state shall have the right to terminate said
7 contract whenever the law is repealed or amended, altered or qualified as
8 to make necessary or expedient that such contract should be revoked, or as
9 to such book or books, registers, and records as may be published by or at
10 the cost of the state: provided, further, that the board shall have the
11 power by majority vote to discontinue the use of unsatisfactory books,
12 registers, and records at the end of any school year during the con-
13 tinuance of this contract and to make another adoption, and all contracts
14 shall contain a stipulation to that effect. The board may at its election
15 cancel any contracts entered into by virtue of the provisions of this act
16 for fraud or collusion upon the part of either party to the contract or
17 any member of the board or committee, or any person, firm, corporation,
18 of the agents thereof making said bond or contract, and for the cancella-
19 tion of any such contract, the attorney general is hereby authorized to
20 bring suit in any court of competent jurisdiction in the state and in
21 case of the cancellation of any contract as provided in this act, the
22 damages are fixed at not less than the amount of said bond to be recover-
23 ed as liquidated damages in the same suit cancelling such said contract.
24 And on account of the difficulty in determining the damage that might

25 accrue by reason of such fraud and cancellation of such contract, the
26 full amount of the bond given by any contractor shall be considered as
27 liquidated damages to be recovered out of said bond by the state at the
28 suit of the attorney general and every contract shall contain a clause
29 to this effect.

1 Sec. 17. The text book board shall have and reserve the right to
2 reject any and all bids or proposals if said board be of the opinion that
3 any or all bids should, for any reason, be rejected ; and in case they fail
4 from among the bids or proposals submitted, to select any book or books
5 registers, records and apparatus upon any of the branches of study pro-
6 vided for in this act, they may advertise for sealed bids or proposals
7 under the same terms and conditions as before, and proceed in their in-
8 vestigation in all respects as they did in the first instance and as
9 required by the terms and provisions of this act.

1 Sec. 18. The party or parties with whom the contract shall
2 be made shall place their books, registers, records, and school apparatus
3 on sale at as many places in each county of the state as the board may
4 direct for the distribution of the books to the patrons and the contractor
5 shall be permitted to make arrangements with the merchants or other
6 persons, for the handling and distribution of the books. All books
7 shall be sold to the consumer at the retail price fixed by the board.
8 Upon the failure of any contractor under the provisions of this act to
9 furnish the books, registers, records or apparatus as provided in this
10 contract, the county superintendent of public instruction of such county
11 shall immediately report the fact to the attorney general and he shall
12 bring suit on account of such failure in the name of the state of Iowa,

13 in any court of competent jurisdiction in the state, and shall recover
14 on the bond given by such contractor for the full value of the books,
15 registers, records and apparatus not furnished as required and in ad-
16 dition thereto the sum of one hundred dollars and the amount so re-
17 covered shall be placed to the credit of the available school funds of
18 the state.

1 Sec. 19. As soon as the state shall have entered into the con-
2 tract for furnishing the books and apparatus for use in the public
3 schools of this state, under the provisions of this act, it shall be the
4 duty of the governor to issue his proclamation of such fact to the people
5 of the state and immediately thereafter, the state superintendent of
6 public instruction shall address a circular letter to the county super-
7 intendants, trustees, and school boards of the various schools of the
8 state, which circular letter shall contain a list of the books, registers,
9 records and apparatus adopted with their respective prices, together with
10 such other information as he may deem advisable.

1 Sec. 20. If any local agent, dealer, clerk, or other person
2 handling or selling the books, registers, records, maps, charts, globes,
3 or other apparatus adopted under this act, shall demand or receive for
4 a copy of any of the books, registers, records, or for any chart, map,
5 globe, or other apparatus adopted under this act more than the contract
6 price, he shall be guilty of a misdemeanor and upon conviction shall, for
7 each offense, be punished by a fine of not less than fifty dollars nor
8 than five hundred dollars.

1 Sec. 21. The trustees and school boards of the various schools
2 of the state using books, registers, records, and apparatus adopted by

3 the board shall hold annual meetings and make an estimate of the number
4 of school text books, registers, records, and apparatus needed in said school,
5 for the term next commencing therein and a report thereof shall be
6 made the county superintendent of public instructions in said county
7 immediately, and not later than the first day of August next thereafter,
8 and the county superintendent shall as soon as possible and not later than
9 the tenth of August of each year and oftener, if the necessity of the
10 school requires it, make out his requisition from the report so received,
11 and send it to the state superintendent, when such books are printed by
12 the state or the school book publisher or publishers having contracts
13 under the provisions of this act, stating therein the number of books,
14 registers, records, and apparatus of each kind needed for the schools
15 of his county.

1 Sec. 22. The books and apparatus adopted by the board under
2 the provision of this act, shall be introduced and used as text books
3 registers, records and apparatus to the exclusion of all others in the
4 public schools of this state as hereinbefore provided, but nothing in
5 this act shall be construed to prevent or prohibit the patrons of the
6 public schools in this state from procuring books, registers, records
7 and apparatus in the usual way in the event the state does not publish
8 such books, registers, records, or manufacture such apparatus, in the
9 event that no contracts are made or in the event that the contractor
10 or contractors fail or refuse to furnish the books, registers, records,
11 or apparatus provided for in this act, at the time that said books or
12 apparatus are required for use in the schools.

1 Sec. 23. Any school trustee who shall prevent or aid in

2 preventing the use in any public school in this state of the books,
3 registers, records, and apparatus or any of them as adopted under the
4 provisions of this act, or any teacher in this state who shall willfully
5 fail or refuse to use the books, registers, records and apparatus adopted
6 under the provisions of this act, shall be guilty of misdemeanor, and
7 upon conviction shall be fined in any sum not less than twenty-five
8 dollars, nor more than fifty dollars for each offense and each day of
9 such willful failure or refusal of said teachers or willful prevention
10 of the use of the books, registers, records, or apparatus of said school
11 trustees, shall constitute a separate offense.

1 Sec. 24. The board may from time to time make any necessary
2 regulations, not contrary to the provisions of this act, to secure the
3 prompt distribution of the books, registers, records and apparatus herein
4 provided for and for the prompt and faithful execution of all contracts.

1 Sec. 25. If when the proposals to furnish text books are submitted
2 to the text book board it shall appear that publishers have combined upon
3 prices and that the proposals are unreasonable, said board is hereby em-
4 powered, with the approval of the state department of public instruction,
5 to do any and all acts that may be necessary for the purpose of procuring
6 a meritorious uniform system of text books, registers, and records for
7 use in the public schools of Iowa. They may, with the approval of the
8 department of public instruction, offer prizes for manuscripts of books,
9 or employ persons to prepare or compile the same and contract with
10 printing concerns for publication, purchase, or hire plates, maps and
11 engravings of copyright matter: contract for or lease copyrights for
12 the purpose of being used in compiling and printing such books, provide for

13 the payment of the whole or any part of said books. Provided, that the
14 entire cost of any book or books so furnished shall not exceed the price
15 of any standard book or books of like character which were proposed to be
16 furnished by publishers.

1 Sec. 26. It shall be unlawful for any member of the text book board
2 or committee to accept as a gift, or at a reduced price, any books,
3 registers, records, or school apparatus or anything of value from any
4 person, firm or corporation interested, directly or indirectly, in any bid
5 filed with said board or in the adoption of any book, register, record or
6 apparatus, by said board, and any person violating this section of this
7 act, shall be punished by a fine of not less than one hundred dollars, nor
8 more than five hundred dollars, and by imprisonment in the county jail not
9 less than thirty days.

1 Sec. 27. The words "public schools" as used in this act shall be
2 construed to mean all the schools of this state receiving aid from the
3 state out of the public school fund.

1 Sec. 28. Any non-resident person or firm or foreign corporation
2 with whom a contract has been entered into under the provisions of this
3 act shall designate the secretary of state of the state of Iowa as its
4 or their agent on whom citation and other writs and process may be served
5 in the event that any suit shall be brought against such person, firm
6 or corporation.

1 Sec. 29. If any individual, firm, partnership, corporation,
2 or any association of persons whatsoever of any nature or character
3 shall create, enter into or become a member of any pool, trust, agreement,
4 confederation, combination or understanding, permanent or temporary, with

5 any other individual, firm, partnership, corporation, or association of
6 persons whatsoever of any character or nature whatsoever to regulate or
7 fix the price of or prevent or restrict competition in the sale or
8 offering for sale or in any of the branches of the business of selling
9 and furnishing any school books, desks, seats, charts, school furniture,
10 fixtures, apparatus or supplies, he or they shall be deemed guilty of
11 a misdemeanor and upon conviction thereof shall be fined in a sum of
12 not less than three hundred dollars nor more than one thousand dollars.

1 Sec. 30. An itemized statement of all necessary expenses of the
2 board and committee, together with a sworn itemized statement of the
3 necessary expenses of the individual members thereof, shall be filed
4 with the secretary of the board, and the members thereof who are not
5 otherwise compensated out of public funds shall be allowed to receive
6 as their only compensation for their services, the sum of ten dollars
7 per day while on duty, and all members shall receive their actual travel-
8 ing expenses going to and returning from the place of meeting to be paid
9 by the state treasurer, under the direction and approval of the governor,
10 and there is hereby appropriated out of any money in the state treasury not
11 otherwise appropriated the sum of twenty-five hundred dollars annually
12 or so much thereof as may be necessary, for the purpose of this act.

1 Sec. 31. All acts or parts of acts inconsistent with the pro-
2 visions of this act are hereby repealed.