

A BILL

FOR AN ACT TO CREATE A BOARD OF CONTROL AND DEFINE THE DUTIES OF THE
SAME, RELATING TO CERTAIN STATE INSTITUTIONS.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby
2 created a board of control, which shall be composed of three persons who shall be appointed
3 by the governor, by and with the advice and consent of the executive council. No two of
4 the members of said board shall reside in the same congressional district, and no member of
5 said board shall reside in any county in which is situated any institution which is supported
6 by the state, or under state management.

SEC. 2. The first appointment of the members of said board shall be as follows: One
2 member for one year, one for two years, and one for three years, from July 1, 1880. Said
3 board shall meet at the office of the secretary of state, at Des Moines, on July 1, 1880, and
4 appoint a president and secretary, who shall hold their offices until the annual meeting
5 of that year.

SEC. 3. All appointments made after said first appointments, except to fill unexpired
2 terms, shall be for three years, and shall terminate on the last day of June in successive
3 years.

SEC. 4. The resignation of a member of said board may be made to the governor, who
2 shall fill all vacancies in the manner hereinbefore provided, by appointment for the unex-
3 pired term.

SEC. 5. Before entering upon the duties of such office, each member of said board shall
2 take and subscribe the oath prescribed by section 126 of the Code, and said oath shall be filed
3 with the auditor of state.

SEC. 6. Said board shall be furnished with office-room, books, blanks, and stationery
2 necessary for the performance of the duties herein imposed, and shall have a permanent
3 office at Des Moines.

SEC. 7. Said board shall hold an annual meeting at its office in Des Moines on the first

2 Tuesday of October; and shall also hold other meetings, at least one in each quarter during
 3 each year, at said office, unless the board shall, by resolution, otherwise determine, and shall
 4 hold meetings once in every three months at the different institutions of the state hereinafter
 5 named, and one of said board shall visit the said several institutions monthly.

SEC. 8. Said board shall, at each annual meeting, appoint one of its number president,
 2 and shall at said meeting appoint a secretary, who shall not be a member of said board.
 3 Said secretary shall hold his office during the pleasure of said board, and his duties shall be
 4 defined, and compensation fixed by said board: *provided*, his compensation annually shall not
 5 exceed the sum of twelve hundred dollars. Said board shall adopt such rules and regula-
 6 tions for the management of business and performance of duties as they may deem expedient.

SEC. 9. Said board shall be charged with the control and management of all the charita-
 2 ble institutions of the state hereinafter mentioned, shall adopt rules for the government
 3 thereof, shall appoint superintendent and principal officers, and provide teachers, servants,
 4 and all necessary employes for the several institutions, and shall perform all other acts nec-
 5 essary to render the same efficient, and to carry out the purposes of the establishment of
 6 those institutions respectively.

SEC. 10. The board of control shall fix the compensation of all the officers and employes
 2 of such institutions, care being taken that all the expenditures of each of such institutions
 3 shall be kept within the amount of appropriations made by law therefor.

SEC. 11. The following are the institutions coming within the designation "charitable
 2 institutions," as made use of in this act: The college for the blind, the institution for the
 3 support and education of the deaf and dumb, the hospitals for the insane, the soldiers' or-
 4 phans' home, the asylum for feeble-minded children, and reform schools.

SEC. 12. Said board of control is hereby clothed with all the powers, and charged with
 2 all the responsibilities, of the various boards of trustees now in control of the several insti-
 3 tutions named in the last section, which boards shall be abolished from and after the first day
 4 of August, A. D. 1880, at which time said board of control shall assume the management and
 5 direction of said institutions.

SEC. 13. Said board shall keep a full, permanent record of its proceedings, and at the
 2 annual meetings preceding the regular sessions of the general assembly, said board shall
 3 make to the governor a full written report of its doings for the biennial period, together with
 4 such information, suggestions and recommendations as it may deem proper, and including
 5 opinions and conclusions as to the necessity for further legislation to lessen the expense, or
 6 to improve the condition and extend the usefulness of the various institutions; and the

7 board shall further recommend such legislation and indicate such special appropriations for
 8 the benefit of such of the hereinbefore mentioned charitable institutions as in their judg-
 9 ment may be for the greatest good of the state at large. Said report shall be accompanied
 10 with a full and accurate statement of the salaries received, and expenses incurred by the
 11 board, as well as the receipts and disbursements of the various institutions since the last
 12 preceding report, all intelligently itemized.

SEC. 14. Said board shall make special investigation into any alleged abuses in the man-
 2 agement, conduct, or affairs of any of the institutions under its control, whenever the gov-
 3 ernor shall so direct, and shall promptly report to him the result, upon the conclusion of
 4 such investigation.

SEC. 15. Each member of said board and its secretary, while engaged in the performance
 2 of their duties under this act, in relation to any institution under state management or sup-
 3 port, are severally hereby authorized to administer oaths; and said board, or any member,
 4 and said secretary when authorized by the board, are severally hereby authorized to examine
 5 any person or persons in relation to the conduct of said institutions, or any abuses they may
 6 find to exist therein, and for that purpose shall have power to issue subpoenas; and in case
 7 any person so subpoenaed shall refuse or neglect to attend in compliance with said process, or
 8 being in attendance, shall refuse to fully answer such legitimate questions as may be put to
 9 him respecting the matters under investigation, or refuse to produce any book or paper in
 10 his possession or under his control, he shall be guilty of contempt; and said board, or any
 11 member thereof, or its secretary, so engaged as aforesaid, shall have and are hereby given
 12 authority to issue their warrant to any peace officer, or any other person, directing such officer or
 13 person to take said party so refusing before a judge of a court of record, who shall hear and
 14 determine the matter; and if said judge shall find said person to have willfully disobeyed the
 15 said subpoena, or to have willfully refused to answer such legitimate question, or to produce
 16 such book or paper, said judge shall proceed as though said contempt were committed upon
 17 process by him issued, or in his presence, and he is hereby authorized and directed to make
 18 and enforce such order and judgment as he may deem proper, in substantial conformity with
 19 sections 3493 and 3494 of chapter 15, title 20 of the Code, relating to contempt; and the said
 20 order and judgment may be removed on *certiorari* as in said chapter 15 provided.

SEC. 16. Each member of said board shall be entitled to receive an annual compensation,
 2 for time and services, of (\$2,200.00) twenty-two hundred dollars, which sum, together with
 3 the actual expenses of each member of the board, while engaged in the performance of the
 4 duties of his office, on being made out and verified by the affidavit of said member, and also

5 the actual and necessary expenses of the secretary, and any other necessary expenses of the
6 board not herein otherwise provided for, after the same shall have been submitted to and ap-
7 proved by said board at a regular meeting, and certified by said board, shall be paid, upon
8 the warrant of the auditor of state, out of any money not otherwise appropriated. The sal-
9 ary of the secretary shall be paid monthly, upon the warrant of the auditor of state issued
10 therefor.

SEC. 17. It shall be unlawful for any member of the board, or the secretary of said board,
2 or any person acting for said board, or officially connected therewith, to be interested pecu-
3 niarily, either directly or indirectly, in building, repairing or furnishing any of the institutions
4 under the control of the board, or in contracts for food, fuel, or anything whatever for the
5 use of any of them; and every person violating the provisions of this section shall, on
6 conviction thereof, be punished by fine not exceeding five hundred dollars, or by imprison-
7 ment in the state penitentiary not exceeding two years.

SEC. 18. Any person sustaining the relation of superintendent, or other officer or employe,
2 to any such state institution shall, while sustaining such relation, be ineligible to the position
3 of member or secretary of the board of control, and no member of the general assembly
4 shall be eligible to be appointed a member of said board.

SEC. 19. The members of said board shall give security to the state for the faithful per-
2 formance of their respective duties, in the sum of fifty thousand dollars, and the secretary
3 shall give bond in the sum of ten thousand dollars; said bonds to be subject to the approval
4 of the executive council.

SEC. 20. The board shall submit to the governor, on or before the tenth day of each
2 month, a statement of the expenditures of each institution under the control of said board
3 for the preceding month, with vouchers therefor, accompanying the same with a requisition,
4 signed by the president of said board and attested by the secretary, for the amount deemed
5 by the board necessary to support each of said institutions for the ensuing month. The
6 governor shall cause the vouchers for expenditures to be examined; and if any thereof shall
7 be found not to be authorized by law, or clearly excessive, he shall reject the same, and
8 return it to the board, who shall require the officer making such illegal disbursement to
9 reimburse the proper fund the amount thus diverted therefrom. The governor shall also
10 approve such requisition of the board, or so much thereof as he may deem proper, where-
11 upon the auditor of state will issue warrant for the amount so approved; such warrant shall
12 be drawn in favor of the proper disbursing officers of the institutions respectively, and shall
13 in no case exceed the amount authorized by law for the support thereof.

SEC. 21. All acts and parts of acts inconsistent with the provisions of this act are hereby
2 repealed.

SEC. 22. This act, being deemed of immediate importance, shall take effect and be in
2 force from and after its publication in the *Iowa State Register* and *Iowa State Leader*, news-
3 papers published at Des Moines, Iowa.

THE following individual report is submitted from the Committee on the Board of Public Charities, on house file No. 73, which is "a bill for an act to create a Board of Control and define the duties of the same, relating to certain state institutions," to-wit: the College for the Blind, the Institution for the Support of the Deaf and Dumb, the Hospitals for the Insane, the Soldiers' Orphans' Home, the Asylum for Feeble-Minded Children, and the Reform Schools.

The Board of Control to be created by this bill is composed of three members and a secretary to be chosen by the board. The names of the members of the board are to be recommended by the governor and confirmed by the senate, and the governor is to fill any vacancy that may exist in said board when the senate is not in session. All reports must be made to the governor. The board is to have the supervision of eight eleemosynary institutions, located in different parts of the state. Each of these institutions differs widely in scope and character.

The College for the Blind is a school of high character, in which is taught literature, science and art; similar to what is taught in the best institutions of learning in the land.

The Reform Schools are at once penal, educational and reformatory in character.

The Insane Asylums are of that character requiring the very highest degree of specific culture for their management and control. And so with all the others.

Any supervisory board that would reflect credit upon itself and insure the welfare of these eight institutions should be better versed in any branch of the different departments of the institutions than any one or all of those who have charge of them. Is it possible to find a board possessed of such varied culture? Is it possible to find three men anywhere on earth who possess such varied attainments as would enable them to discharge creditably the duties that would be devolved upon them by the provisions of this bill? Nor is this all. By its provisions it must make rules, or laws, for the government of these eight institutions, and in case of their infraction, must sit as a judicial tribunal to try offenders; and when found guilty must execute sentence of judgment upon them.

It is at one and the same time a legislative, judicial and executive Board of Control. It holds its court at the state capital, away from where their laws have been broken.

Nor is this all. It must "provide teachers, servants, and all necessary employes for the several institutions, and shall perform all other acts necessary to render the same efficient."

It shall also have entire control of the funds necessary to support said institutions; shall act as an auditing board to audit the same, and the auditor of state shall issue warrants, thus made upon him, to be paid by the treasurer. And this Board of Control, thus clothed with such extraordinary powers, shall only account to the governor for anything it may do.

History is full of such boards of control—such as is provided for in this bill—the most notable of which was, perhaps, that of the East India Company, acting under a special charter granted to some London gentlemen by parliament and conferred upon Warren Hastings, of whom Edmund Burke declared, in his speech upon his impeachment, before the House of Lords, that his rule had been such in India that he had not left substance enough among a hundred and sixty millions of the richest people upon earth to nurture another such a monster.

For the above reasons, and many more that might be enumerated, I cannot concur in the majority report of the committee.

E. J. DEAN.

REPORT OF COMMITTEE.

The majority of the Committee on Board of Public Charities, beg leave to report back house file No. 73, and recommend the following amendments to the bill, and that when so amended the bill do pass:

1. Strike out of line 3, section 1, the words "executive council," and insert the word "senate."
2. Strike out sections 2 and 3, and insert in lieu of said sections the following: "The members of the board shall each hold his office for a term of two years, from the first day of July in each even-numbered year, and the names of the members of the board shall be sent to the senate, for confirmation, on or before the 15th day of February of each regular session of the general assembly, and shall be acted upon within ten days thereafter; and if any one be rejected by the senate other names shall be at once sent in to the senate."
3. Strike out of line 4, section 12, the word "August," and insert the word "July."
4. Strike out of line 2, section 16, the words "twenty-two hundred" (\$2200), and insert the words "\$500"; also, insert in line 4 of same section, after the word "out," the word "itemized."
5. Strike out of line 2, section 19, the word "fifty," and insert the word "five;" and strike out of line 3, same section, the word "ten," and insert the word "three."
6. In line 11, after the word "issue," insert the word "a;" and after the word "warrant," in same line, insert the words, "a warrant."

FISHER, *Chairman.*