

A BILL

FOR AN ACT CREATING A STATE BOARD OF SCHOOL-BOOK COMMISSIONERS,
WITH AUTHORITY TO ADOPT A UNIFORM SERIES OF TEXT-BOOKS FOR
USE IN THE PUBLIC SCHOOLS OF THE STATE, AND REPEALING SECTION
1728, OF THE CODE.

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

SECTION 1. That the Governor, Secretary of State, the Superintendent of Public Instruc-
2 tion, the president of the State University, the president of the State Agricultural College,
3 and the superintendent of the Des Moines public schools, and the principal of the State
4 normal school at Cedar Falls, be and the same hereby are appointed a State Board of
5 School Book Commissioners to perform the duties hereinafter named.

SEC. 2. The Governor shall be president and the Superintendent of Public Instruction
2 shall be secretary of said Board : but in the absence of either of these persons, the positions
3 named may be filled by other members of the Board. The place of meeting shall be in
4 Des Moines, and four members shall constitute a quorum.

SEC. 3. It shall be the duty of said Board on or before June 1, 1886, to ask for and receive
2 from the several firms or companies publishing school-books, sealed proposals for furnishing
3 text-books to be used in the public schools of the State for the period of six years from and
4 after January 1, 1887 ; *provided*, that the said Board shall have the right to reject any or all
5 bids made ; or they may accept the bid of any firm or company as to one or more books in
6 series, and reject the balance of the bid.

SEC. 4. The sealed proposals, mentioned in the last section, to be made on the part of
2 each firm or company making the bid, must contain a definite statement as to the following
3 particulars :

4 *First.* There must be given the name of each book, its size, the number of pages, the
5 style and quality of paper and binding, and date of the edition.

6 *Second.* There must be given the retail price at which each book if adopted by the
7 Board, will be furnished through book dealers, or other agents, to the people of the
8 State for the term of six years from January 1, 1887.

9 *Third.* There shall be an agreement that each book if adopted, shall be exchanged,
10 on its introduction, for the book to be displaced, free of cost to the people of the State.

SEC. 5. Each firm or company, at the time of making a bid shall deposit with said Board
2 a bond in the sum of ten thousand dollars (\$10,000), with good and sufficient sureties, said
3 bond to run in the name of the State and conditioned for the faithful performance of the
4 agreement made in the sealed proposal.

SEC. 6. At the time of making such sealed proposals, each firm or company shall deposit
2 with said Board an exact sample copy of each book upon which a bid is made.

SEC. 7. When the Board has accepted the bid, either in whole or in part, of any firm or
2 company, they shall cause said firm or company to enter into a full and explicit contract
3 with said Board, said contract to contain all of the conditions mentioned in section 4, and
4 any other conditions that may be deemed essential by the Board.

SEC. 8. When the Board has made a contract with any firm or company, as specified in
2 the last section, the said firm or company shall give a bond for the faithful performance of
3 said contract, with sureties to be approved by the Board; said bond shall run in the name
4 of the State, and be in the sum of not less than five thousand dollars (\$5,000), for each book
5 in the series for which the contract is made. If the contract of any firm or company shall
6 be broken as to any material matter, the sum named in the bond shall be considered as fixed
7 and liquidated damages, and it may be collected without any proof on the part of the State
8 as to the actual damages sustained.

SEC. 9. After the Board has selected a series of text-books, as contemplated in this act,
2 and have made the necessary contracts with the parties agreeing to furnish said books, they
3 shall cause to be published on or before October 1, 1886, a notice in two newspapers in each
4 county in the State, specifying the particular text-books that have been selected, and the re-
5 tail price at which the said books are to be furnished to the people. This notice must state
6 that these text-books have been adopted as a uniform series, to be used for the term of six
7 years from and after January 1, 1887, in all the public schools of the State, except as pro-
8 vided in the next section.

SEC. 10. Nothing in this act shall be constructed as abrogating existing contracts made
2 for school books by any school district or other locality.

SEC. 11. When the notice mentioned in section 9 shall have been published the company
2 or companies, whose bids have been accepted, shall furnish at once the necessary quantity
3 of the text-books adopted to one or more book dealers, or other agents, in each community
4 where such books are usually sold.

SEC. 12. If the Board shall adopt a uniform series of text-books, as contemplated in this
2 act, it shall be lawful after January 1, 1887, and while this act remains in force, to use any
3 other school books in the place of the books adopted by the Board; and if any member of a
4 school board, any sub-director, or other person having the oversight of any school or schools,
5 shall use, or allow the use of any such books, he shall be deemed guilty of a misdemeanor,

6 and shall be punished by a fine of not less than ten nor more than one hundred dollars ;
7 *provided*, that no person who comes under the exception made in section 10, shall be consid-
8 ered as violating the provisions of this act.

SEC. 13. The State shall not be liable to any firm or company furnishing any or all of said
2 text-books, for any damage whatever by reason of the violation of section 12 of this act, by
3 any person whomsoever.

SEC. 14. Each member of the Board of Commissioners shall receive, as compensation the
2 sum of six dollars for each day employed in carrying out the provisions of this act, and all
3 traveling and other necessary expenses incurred by them.

SEC. 15. The sum of five thousand dollars, or so much thereof as may be necessary, is
2 hereby appropriated to pay the compensation of the board and other necessary expenses.

SEC. 16 That section 1728 of the Code be, and the same is hereby repealed.

SEC. 17. After the sealed proposals, mentioned in this act, have been received from the
2 various firms or companies publishing school books, if the Board of Commissioners find that
3 these text-books cannot be furnished to the people of the State, by the plan proposed in this
4 act, at an average cost of forty per cent less, as near as it can be estimated, than the aver-
5 age price paid for such or similar books during the year 1885, then the Board shall accept no
6 bids and make no contracts, nor in any way bind the State to use any of said books.

SEC. 18. If by reason of the conditions made in section 17, the board shall be unable to
2 select and adopt a uniform series of text-books, as contemplated in this act, the Board shall
3 investigate thoroughly the plan of having a uniform series of school books compiled and
4 published by the State, and they shall report to the next General Assembly whether or not
5 such a plan is feasible, and the estimated cost thereof to the State.

SEC. 19. This act being deemed of immediate importance shall take effect from and after
2 its publication in the Iowa State Register and Des Moines Leader, newspapers published in
3 Des Moines, Iowa.