

CHAPTER 133

TEXT BOOKS

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133.01 LICENSE TO SELL; CONDITIONS. Before any person, company, or corporation shall offer any school text book for adoption, sale, or exchange, in the state of Minnesota, the person, company, or corporation shall comply with the following conditions:

(1) File a copy of such text book in the office of the commissioner of education, with a sworn statement of the usual list price, the lowest wholesale price, and the lowest exchange price, based on five-year adoption periods, at which such text book is sold, or exchanged for an old text book in the same subject of like grade, and kind, but a different series, to any school board, school corporation, or school text book commissioner anywhere in the United States;

(2) File with the commissioner of education a written agreement (a) to furnish such text book or books to any school board in the state of Minnesota at the lowest prices so filed, and to maintain such prices uniformly throughout the state; (b) to reduce such prices automatically in Minnesota whenever reductions are made elsewhere in the United States, and guarantee that at no time shall any text book so filed by the person, company, or corporation be sold in Minnesota at a higher price than is received for such text book elsewhere in the United States; and (c) that all text books offered for sale in Minnesota shall be equal in quality to those deposited in the office of the commissioner of education as regards paper, binding, print, illustrations, subject matter, and all points that may affect the value of the text books;

(3) File with the commissioner of education a surety bond of not less than \$2,000, and not more than \$10,000, in an amount to be fixed by the commissioner of education, which shall run to the state of Minnesota, and be approved by the attorney general.

Upon compliance with the foregoing conditions, the person, company, or corporation shall be licensed to sell school text books in the state of Minnesota.

[1911 c. 43 s. 1] (3048)

133.02 FAILURE TO CONFORM TO AGREEMENT; FORFEITURE OF BOND.

If in any case the person, company, or corporation shall furnish to any district, text books inferior in any particular to the samples on file with the commissioner of education, or charge a higher price than was filed with the commissioner of education, or than the same are sold elsewhere in the United States, then it shall be the duty of the county superintendent, on written complaint filed with him by the school board of such district, or of the city superintendent of a district having a state high school, or of the principal of schools of a district having a state graded school, to inform the commissioner of education of the failure of the person, company, or corporation to comply with the terms of his contract. The commissioner of education shall thereupon notify the person, company, or corporation of the complaint and, if the person, company, or corporation shall disregard the notification and fail to comply immediately with the terms of agreement filed with the commissioner of education, the bond of the person, company, or corporation shall be forfeited and the attorney general shall, upon written request of the commissioner of education, proceed to collect the full amount of the bond of the person, company, or corporation.

[1911 c. 43 s. 2] (3049)

133.03 LIST OF TEXT BOOKS AND PRICES; DUTIES OF COMMISSIONER OF EDUCATION. When the publisher shall prepare an abridged or special edition

of any of his text books listed with the commissioner of education and supply such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the commissioner of education, the publisher must agree to furnish such special edition at the wholesale price at which it is furnished elsewhere, so long as it is supplied at this lower price anywhere outside of Minnesota; and it shall be understood that the bond given by the publisher shall cover this provision as to special edition. In case an action is brought upon such bond, the state, if successful, shall recover the full amount of the bond, which amount shall be paid into the state school fund.

[1911 c. 43 s. 3; 1921 c. 256 s. 1] (3050)

133.04 [Repealed, 1947 c. 633 s. 22]

133.05 QUESTION, HOW SUBMITTED. When five or more legal voters of any common school district shall petition the school board to submit to the district the question of providing free text books to pupils attending its schools, it shall be the duty of the board to submit the same to the legal voters of the district. This question may be submitted at a special meeting, by giving ten days' notice thereof, or at any annual meeting. In any case the notice of such meeting shall call attention to the fact that the question will be submitted, and in case a majority at such meeting vote in favor of such free text books, it shall be the duty of the board to provide the same.

[1911 c. 43 s. 5] (3052)

133.06 INDIGENT PUPILS. The school board of each district shall have authority to purchase all necessary books for indigent pupils and pay for the same out of the funds of the district.

[1911 c. 43 s. 6] (3053)

133.07 COMBINATION TO CONTROL PRICES; DUTY OF ATTORNEY GENERAL. If at any time any publisher shall enter into any understanding, agreement, or combination to control the prices or to restrict competition in the adoption or sale of school books, then the attorney general shall institute and prosecute legal proceedings for the forfeiture of the bond of the publisher and for the revocation of his license to sell school books in this state, and each and every contract made by the publisher under this chapter shall thereupon become null and void at the option of the other parties thereto.

[1911 c. 43 s. 7] (3054)

133.08 FAILURE TO PLACE SAMPLES ON FILE; PENALTY. Any publisher who shall sell or offer for sale or adoption in the state, school text books of any kind without first placing samples of the same on file with prices and obtaining a license therefor from the commissioner of education, shall be guilty of a gross misdemeanor; and, upon conviction thereof, fined not less than \$500, and not more than \$2,000.

[1911 c. 43 s. 8] (3055)

133.09 STATE OFFICIALS TO BE DISINTERESTED; PENALTY FOR VIOLATION. If the commissioner of education, his assistant or any employee connected with his office, or any member of any school board shall accept or receive any money, gift or any property, or favor from any person, firm, or corporation offering for sale any text books, or any agent thereof, or from any person in any way interested in the sale of text books, he shall, upon conviction, be punished by a fine not exceeding \$500, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

[1911 c. 43 s. 9] (3056)

133.10 TEACHERS, COUNTY AND CITY OFFICIALS TO BE DISINTERESTED. Any teacher in the public schools of Minnesota, or any county or city superintendent of schools, or any member of any school board or board of education, or any person connected with the public school system of Minnesota in any capacity, who shall in any way be interested in the profits, proceeds, or sale of any school text books used in the schools of Minnesota under his charge, or with which he is connected in any official capacity, shall be liable to a fine of not less than \$50, nor more than \$200; provided, that this shall not apply nor have reference to royalties or profits received by a person from the sale of school books of which he is himself the author.

[1911 c. 43 s. 10] (3057)