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**EDUCATIONAL BULLETIN**

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Wendell P. Butler  
Superintendent of Public Instruction

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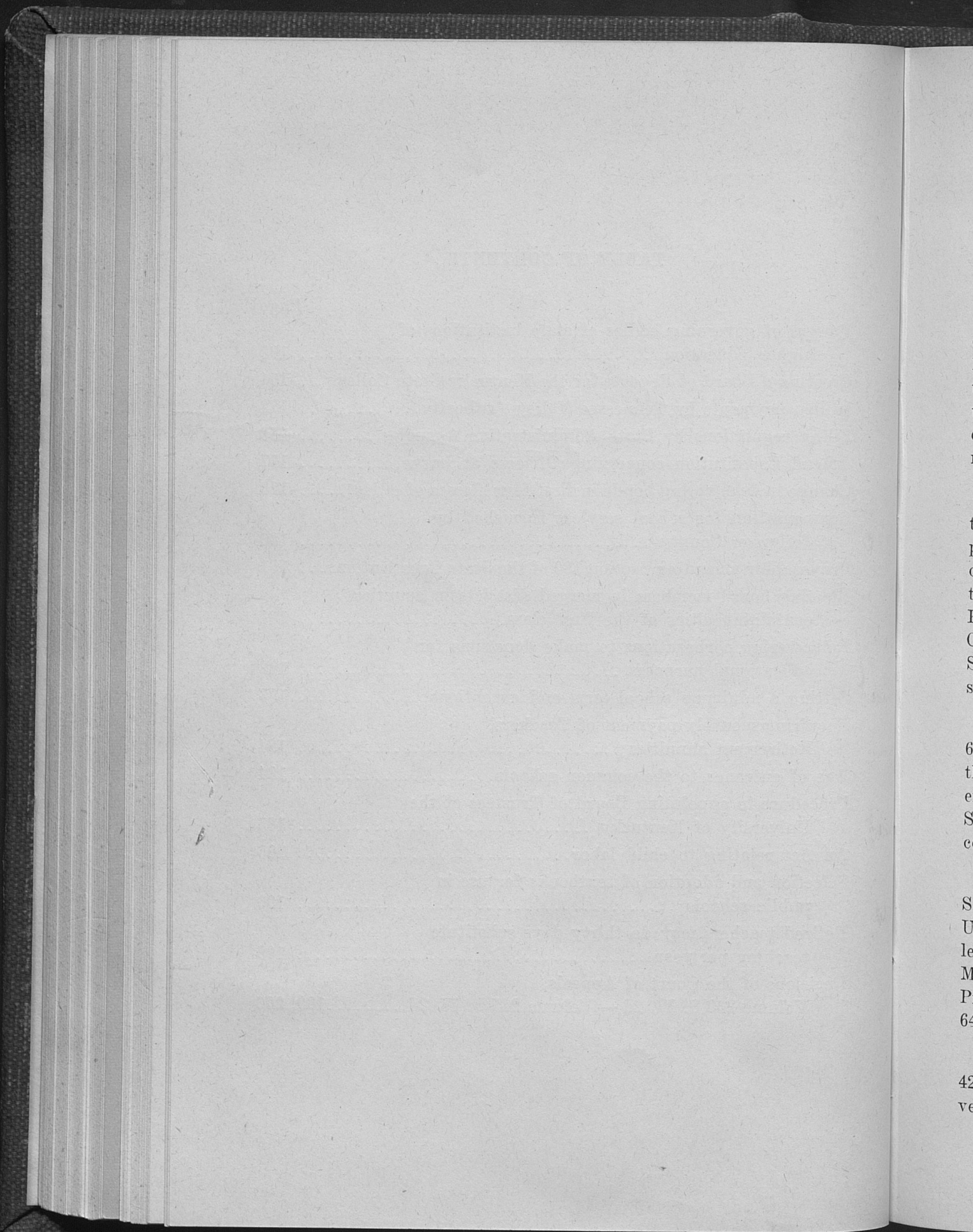
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**AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.**

Section 1. Anything in any statutes of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions and official relations of all employes of the University of Kentucky, as provided in KRS 164.220, and, subject to any restrictions imposed by general law, the retirement ages and benefits of such employes, shall be under the exclusive jurisdiction of the Board of Trustees of the University of Kentucky, which shall be an independent agency and instrumentality of the Commonwealth.

Section 2. Anything in any statute of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions, and official relations of all employes of Eastern Kentucky State College, Western Kentucky State College, Murray State College, and Morehead State College, as provided in KRS 164.350 and 164.360, and of Kentucky State College, shall be under the exclusive jurisdiction of the respective governing boards of each of the institutions named.

Section 3. Kentucky Revised Statutes, Sections 156.010 and 64.640, and any other statute, to the extent that they provide that the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, and Morehead State College shall be included in the Department of Education and constitute a division thereof, are hereby repealed.

Section 4. The maximum annual salary payable out of the State Treasury for the offices and positions of President of the University of Kentucky, President of Eastern Kentucky State College, President of Western Kentucky State College, President of Murray State College, President of Morehead State College, and President of Kentucky State College, shall be \$9,000, and KRS 64.650 shall be applicable to subordinate positions.

Section 5. None of the provisions of KRS 42.110, 42.120 or 42.130 shall be applicable to the officers and employes of the University of Kentucky, Eastern Kentucky State College, Western

Kentucky State College, Murray State College, Morehead State College, or Kentucky State College.

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**Removing Kentucky State College from Jurisdiction of State Board of Education and setting up Board of Regents for its government.**

Section 1. Section 156.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Education shall consist of the State Board of Education and the Superintendent of Public Instruction, who shall be the head of the Department.

(2) The Department of Education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, of vocational education and rehabilitation of West Kentucky Vocational School, and of the Kentucky School for the Blind.

(3) The Board of Commissioners of the Kentucky School for the Deaf and the State Textbook Commission are included in the Department of Education and constitute divisions thereof, but each shall continue to exercise all the functions conferred upon it by law.

Section 2. Section 156.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Board of Education shall have the management and control of the common schools, public vocational education and vocational rehabilitation, West Kentucky Vocational School, and the Kentucky School for the Blind.

(2) The State Board of Education may, on the recommendation and with the advice of the Superintendent of Public Instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations of the board shall be published before they will be deemed in full force and effect.

(3) In its capacity as a board of control for the West Kentucky School, the board may receive by any legal mode of conveyance, and hold and enjoy, property of any description.

Section 3. Section 156.130 of the Kentucky Revised Statutes is amended to read as follows:

The Superintendent of Public Instruction shall be the executive officer of the State Board of Education in its administration of all public education placed under its management and control, and shall perform such duties as are assigned to him by the board. He shall be responsible for the administration of the Department of Education. He shall execute, under the direction of the State Board of Education, the educational policies decided upon by the board, and shall direct, under general rules and regulations adopted by the board, the work of all persons engaged in the administration of the common schools and public vocational education and vocational rehabilitation. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.

Section 4. Section 156.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Superintendent of Public Instruction shall annually prepare or cause to be prepared, and submit for approval and publication by the State Board of Education, a list of all public and private high schools or other secondary schools in the state, showing the classification of each.

(2) He shall, from time to time, prepare or cause to be prepared, and submit for approval and publication by the State Board of Education, such bulletins, programs, outlines of courses, placards, and courses of study as he deems useful in the promotion of the interest of the public schools, vocational education and vocational rehabilitation.

(3) He shall also prepare for publication by the State Board of Education the rules, regulations, minimum standards for schools and educational policies or programs adopted by the board for the operation, regulation and government of the schools under its supervision.

Section 5. Section 164.010 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a Council on Public Higher Education in Kentucky, to be composed of the president or chief executive officer

of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College and Kentucky State College; a member, other than the Superintendent of Public Instruction, of the board of regents of each of the state colleges to be selected by the board of regents of each state college; three appointive members of the board of trustees of the University of Kentucky to be selected by the board of trustees of the University; two lay members of the State Board of Education to be selected by the State Board of Education; the dean of the College of Education of the University of Kentucky; and the Superintendent of Public Instruction, who shall be chairman of the Council. When the Council meets to consider curricula for teacher training, three persons who are from accredited institutions of higher learning, who are not members of the Council, and who have been appointed by the Executive Committee of the Association of Kentucky Colleges and Universities, shall be invited to meet with the Council in an advisory capacity.

Section 6. The introductory phrase and subsection (1) of Section 164.020 of the Kentucky Revised Statutes is amended to read as follows:

The Council on Public Higher Education in Kentucky shall:

(1) Coordinate the work and determine the curricular offerings of the state institutions of higher learning in Kentucky, on the basis of efficiency and economy.

Section 7. Section 164.030 of the Kentucky Revised Statutes is amended to read as follows:

The governing board of each of the state institutions of higher learning shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the Council on Public Higher Education in regard to curricular offerings, entrance fees and qualifications for admission to and reports from their respective institutions.

Section 8. Section 164.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The state colleges formerly designated as the state teachers colleges shall hereafter be known as the Eastern State College, located at Richmond, Kentucky, Western Kentucky State



College, located at Bowling Green, Kentucky, Murray State College, located at Murray, Kentucky, and Morehead State College, located at Morehead, Kentucky, and under such names are recognized as established and maintained.

(2) Kentucky State College located at Frankfort, Kentucky, is a land-grant state college and, as such, all the provisions of KRS Chapter 164, with the exception of the provision of KRS 164.320 concerning the appointment of the initial board of regents, applying to the other four state colleges shall likewise apply to Kentucky State College.

Section 9. A new section of the Kentucky Revised Statutes, to be numbered 164.305, is created to read as follows:

The Kentucky State College shall maintain a department of agriculture and the mechanic arts, and for that purpose is entitled to receive and shall receive an equitable portion of the money appropriated to the state by an Act of Congress approved August 30, 1890.

Section 10. Section 164.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of regents for each of the state colleges shall consist of the Superintendent of Public Instruction, who shall be chairman of each board, and four members appointed by the Governor. The appointive members shall hold office for a term of four years from April 1 succeeding their appointment and until their successors are duly appointed and qualified. The appointments shall be made at the expiration of the terms of the members appointed pursuant to Chapter 65 of the Acts of 1934, and thereafter as the terms expire. Not more than two appointive members of any board shall be residents of one county, and not more than three members of any board, including the Superintendent of Public Instruction, shall belong to the same political party. No member of any board shall be held to be a public officer by reason of his membership on the board, nor shall membership on the board be incompatible with any public office. Appointments to fill vacancies shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired term. Each appointed member of each board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

(2) Forthwith upon the taking effect of this Act, the Governor shall appoint four members of the Board of Regents of Kentucky State College. One member shall serve until April 1, 1953, one until April 1, 1954, one until April 1, 1955, and one until April 1, 1956. Thereafter members shall serve for terms of four years and until their successors are appointed and qualify.

Section 11. Section 164.480 of the Kentucky Revised Statutes is amended to read as follows:

Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department as a part of such service, during the wars that were declared on April 6, 1917, and any wars declared thereafter, respectively, and who at the time of his enlistment was a resident of Kentucky, is entitled to a free scholarship in any state higher educational institution that he chooses for a period required for the completion of the course of study selected by him. The scholarship includes free tuition, matriculation and other fees, room rent, fuel and lights, and the advantages and privileges of the institution, but does not include free board. Provided, however, that if the Federal Government provides for the education of veterans of any of the wars herein referred to, then this section shall not apply to such veterans.

Section 12. Section 164.520 of the Kentucky Revised Statutes is amended to read as follows:

The bond issued by the Commissioners of the Sinking Fund to themselves as trustees for the Agricultural and Mechanical College of Kentucky and the State Normal School for Colored Persons of Kentucky, bearing date July 1, 1897, for the sum of \$165,000 and bearing interest at the rate of six percent, payable semiannually, remains in force and constitutes a perpetual obligation of the Commonwealth, and the interest thereon is a perpetual charge upon the treasury. The Department of Finance shall, on the first day of January and on the first day of July each year, draw its warrant on the State Treasurer for the sum of \$627.75 in favor of the treasurer of Kentucky State College, and its warrant on the State Treasurer for the sum of \$4,322.25 in favor of the treasurer of the University of Kentucky.

Section 13. Section 166.010 of the Kentucky Revised Statutes is amended to read as follows:

The West Kentucky Vocational School, located at Paducah, is recognized as established and maintained. It shall be maintained by the state with such endowments, incomes, buildings and equipment as will enable it to do such work as is done in other institutions of corresponding rank and kind. The State Board of Education is vested with all powers and duties, not inconsistent with this chapter, held by the former board of trustees of the Western Kentucky Industrial College, and with all records and property held by such board or acquired by the State Board of Education for the benefit of the institution recognized by this section.

Section 14. Section 166.040 of the Kentucky Revised Statutes is amended to read as follows:

The purpose of the West Kentucky Vocational School is to make available facilities for vocational training for colored children to be carried on in accordance with the state plans for vocational education.

Section 15. Section 166.050 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall appoint a president for the West Kentucky Vocational School, and determine his salary and tenure of office. The term shall not exceed four years. Upon recommendation of the president, the State Board of Education shall appoint and determine the salaries, duties and official relations of all officers, teachers and other employees necessary for the successful operation of the school.

Section 16. Section 166.060 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may remove the president, and upon recommendation of the president shall remove any officer, teacher or other employee, but neither the president nor any other officer or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. Neither the president nor any other officer or teacher shall be removed until after ten days' notice in writing stating the nature of the charges preferred, and until after an opportunity has been given him to make defense before the board by counsel or otherwise, and to introduce testimony which shall be heard and determined by the board.

Section 17. Section 166.070 of the Kentucky Revised Statutes is amended to read as follows:

In the administration of the affairs of the West Kentucky Vocational School the president of the institution is the executive agent of the State Board of Education, and has general supervision, subject to the control of the board, of all educational and business affairs and disciplinary problems of the institution.

Section 18. Section 166.080 of the Kentucky Revised Statutes is amended to read as follows:

The secretary of the State Board of Education shall serve as secretary of the board and the State Treasurer shall serve as treasurer of the board in its administration of the West Kentucky Vocational School. The secretary shall prepare and keep all records, books and papers belonging to the board in its administration of said school. He shall keep a journal of the proceedings of the board in which, if requested by any member of the board, the "yeas" and the "nays" on all questions shall be entered. He shall prepare, under the direction of the board, all reports and estimates.

Section 19. Section 166.090 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall meet at least once each year at the West Kentucky Vocational School for the purpose of inspecting the plant and observing the work and the needs of the school.

Section 20. Section 166.100 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may purchase, hold and sell real and personal property in the name of the Commonwealth for the use and benefit of the West Kentucky Vocational School and may condemn real estate in the manner provided by KRS 416.010 to 416.080. The board may construct improvements and do all things it deems necessary in carrying out the purposes for which the school is maintained. Revenue accruing by reason of the sale or conveyance of any real estate or building owned by it shall be reinvested in other real estate and buildings for use of the school. All appropriations, grants, bequests or donations for a specified use shall be applied to that use and no other.

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Section 21. Section 166.110 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall adopt such rules and regulations as it deems proper for the government of the West Kentucky Vocational School and for the guidance of its employees and students. It may require of the president, teachers or other officers such reports as it deems necessary. All existing rules and regulations made by the preceding board of trustees shall remain in force until repealed by order of the State Board of Education.

Section 22. Section 166.120 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may determine the number of departments of study, and shall prescribe the curricula for the West Kentucky Vocational School. The board may issue certificates or diplomas of graduation to students completing the prescribed curricula.

Section 23. Section 166.140 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may invest the faculty or a committee of the faculty with power to suspend or expel any pupil for insubordination, immoral conduct, or disobedience of the rules and regulations of the school. The student suspended or expelled may appeal from the decision of the faculty, to the State Board of Education. The decision of the State Board of Education shall be final.

Section 24. Section 166.150 of the Kentucky Revised Statutes is amended to read as follows:

Tuition in the West Kentucky Vocational School shall be free to all colored residents of Kentucky. The State Board of Education shall fix the rate of tuition and the conditions on which pupils who are not residents of Kentucky may be admitted. The Board shall fix such incidental fees as it deems necessary to meet such incidental expenses as may be incurred.

Section 25. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Lincoln Institute in Shelby County, Kentucky, is hereby transferred to and shall become a part of Kentucky State College

which shall continue to maintain and operate it as a high school for the benefit of Negro children of the Commonwealth who do not otherwise have the opportunities to attend an approved high school. The Board of Regents, acting through the president of Kentucky State College, shall determine who may attend Lincoln Institute in accordance with rules and regulations adopted by said Board and approved by the State Board of Education. In addition, Kentucky State College shall continue to maintain and operate Lincoln Institute as a model and practice school under the supervision of thoroughly trained teachers for the purpose of giving observation and practice work to student teachers.

(2) All appropriations heretofore or hereafter made to Lincoln Institute shall be transferred to and made available to the Board of Regents of Kentucky State College for the purpose of maintaining and operating Lincoln Institute.

Section 26. Sections 166.020, 166.030, 166.130 and 166.180 of the Kentucky Revised Statutes are repealed.

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**Relating to the distribution of in-lieu payments made by the Tennessee Valley Authority.**

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Except for payments made directly by the Tennessee Valley Authority to counties, the total fiscal year payment received by the Commonwealth of Kentucky from the Tennessee Valley Authority, as authorized by Section 13 of the Tennessee Valley Authority Act as amended, shall be prorated thirty per cent to the General Fund of the Commonwealth and seventy per cent among counties, cities, and school districts as provided in subsection (2).

(2) The payment to each county, city, and school district shall be determined by the proportion that the book value of Tennessee Valley Authority property in such taxing district, multiplied by the current tax rate, bears to the total of the book values of Tennessee Valley Authority property in all such taxing districts in the Commonwealth, multiplied by their respective tax rates.

(3) As soon as practicable after the amount of payment to be made to the Commonwealth of Kentucky is finally determined by the Tennessee Valley Authority, the Kentucky Department of Rev-

enue shall determine the book value of Tennessee Valley Authority property in each county, city and school district and shall prorate the total payments received from the Tennessee Valley Authority, except payments received directly from the Tennessee Valley Authority, among the distributees as provided in subsection (2). The Department of Revenue shall certify the payment due each taxing district to the Department of Finance which shall make the payment to such district.

(4) As used in subsection (2) and (3) of this section, "Tennessee Valley Authority Property" means land owned by the United States and in the custody of the Tennessee Valley Authority, together with such improvements (including work in progress but excluding temporary construction facilities) as have a fixed situs thereon if and to the extent that such improvements either: (a) were in existence when title to the land on which they are situated was acquired by the United States or (b) are allocated by the Tennessee Valley Authority or determined by it to be allocable to power; provided however, that manufacturing machinery as interpreted by the Department of Revenue for franchise tax determination shall be excluded. As used in said subsections "book value" means original cost less accrued depreciation as reflected in Tennessee Valley Authority's books of account. "Book value" shall be determined, for purposes of applying said subsections, as of the June 30 used by the Tennessee Valley Authority in computing the annual payment to the Commonwealth which is subject to redistribution by the Commonwealth.

(5) This Act shall be applicable to all payments received after June 30, 1954 from the Tennessee Valley Authority under Section 13 of the Tennessee Valley Authority Act as amended.

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#### **Filing regulations by State Administrative Agencies.**

Section 1. As used in this Act, unless the context otherwise requires: (1) "State agency" includes any officer, department, bureau, division, board, authority, agency, commission or institution of this state except the judicial and the legislative branches.

(2) "Regulation" includes every rule or regulation made by any state agency, except a rule, regulation or order which:

(a) Relates only to the organization or internal management of the state agency;

(b) Is directed to a specifically named person or to a group of persons, and does not apply generally throughout the state;

(c) Is duly served by the state agency in the manner authorized by law upon the person or persons designated therein as the party or parties legally affected;

(d) Establishes or fixes rates or tariffs; or

(e) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the effect of such rule, regulation or order is indicated to the public by means of signs or signals.

(3) Nothing in this Act shall prevent any state agency, in its discretion and subject to the approval of the Statute Revision Commission, from filing, and the Statute Revision Commission from distributing in accordance with this Act, any rates, tariffs or other documents not required by this Act to be filed.

(4) Compliance with the provisions of this Act does not dispense with the requirements of any other law necessary to make the regulation effective.

Section 2. (1) No regulation made by any state agency after the effective date of this Act shall become effective until thirty days after an original and two duplicate copies of the regulation are filed in the office of the Statute Revision Commission, except that when the state agency finds that an emergency exists, and such finding is concurred in by the Governor, by written endorsement upon the original regulation, a regulation may become effective immediately upon being filed in the office of the Statute Revision Commission.

(2) Each regulation shall include a citation of the authority pursuant to which it, or any part of it, was adopted.

(3) The Statute Revision Commission shall cause to be endorsed on the original and duplicate copies of each regulation filed the time and date of the filing thereof, and shall maintain a file of such regulations for public inspection, with suitable indexes.

Section 3. (1) The Statute Revision Commission shall pre-



scribe rules governing the manner and form in which regulations shall be prepared, to the end that all regulations shall be prepared in a uniform manner. The commission may refuse to accept for filing any regulation that does not conform to the rules.

(2) The Statute Revision Commission shall furnish advice and assistance to all state agencies in the preparation of their regulations, and in revising, codifying and editing existing or new regulations.

Section 4. (1) Any person who desires to receive copies of regulations filed with the Statute Revision Commission may at any time file with the commission an application containing his name and mailing address, together with a list of the names of the agencies a copy of whose regulations he desires to receive. For each agency whose regulations he desires to receive he shall pay, with his application, a fee of five dollars. Thereupon, for a period of one year from the date of the application, the Statute Revision Commission shall mail to the applicant, forthwith after filing, a copy of each regulation of the designated agency or agencies filed during the year.

(2) Any person desiring to receive a copy of all regulations of any state agency in force as a particular date shall be furnished the same by the Statute Revision Commission upon his paying the cost thereof.

(3) Any printed compilation of regulations of state agencies published prior to the effective date of this Act shall be sold by the Statute Revision Commission, at cost, to persons desiring to purchase the compilation.

(4) Any sums paid to the Statute Revision Commission under this section shall be placed in the State Treasury to the credit of a revolving, trust or agency fund account, for use by the Statute Revision Commission in carrying out the provisions of this section.

Section 5. The filing of a regulation under this Act shall raise a rebuttable presumption that: (1) The regulation was duly adopted, issued or promulgated;

(2) The regulation was duly filed with the Statute Revision Commission and made available for public inspection at the day and hour endorsed on it; and

(3) All requirements of this Act and the rules prescribed thereunder relative to such regulations have been compiled with.

Section 6. The courts shall take judicial notice of any regulation duly filed under the provisions of this Act, after the regulation has become effective.

Section 7. All regulations filed with the Secretary of State prior to the effective date of this Act, under KRS 13.010 to 13.070, shall upon the effective date of this Act be transferred to the office of the Statute Revision Commission. The commission shall cause such of the regulations as are no longer in force to be placed in a "dead" file. Such of the regulations as remain in force shall be placed in a current file and suitably indexed, and shall otherwise be dealt with in accordance with the provisions of this Act.

Section 8. When any regulation filed with the Statute Revision Commission expires by its own terms, or is superseded or revoked, the commission shall cause the same to be placed in a "dead" file.

Section 9. The Statute Revision Commission shall cause to be prepared, for submission to the 1954 General Assembly, a draft of an Act providing uniform procedures for practice before administrative agencies, and for judicial review of their actions. In the preparation of such draft the staff of the commission shall consult with representatives of the various state agencies, and utilize such information and assistance as may be made available by the Legislative Research Commission.

Section 10. Where practicable to do so, state agencies are encouraged to give notice, to interested persons, of proposed regulations, and conduct hearings upon the proposed regulations prior to adoption thereof.

Section 11. The Statute Revision Commission may employ qualified personnel to carry out the provisions of this Act.

Section 12. Any money appropriated for the Codification Board, for the fiscal years 1952-53 and 1953-54, shall be available to the Statute Revision Commission for the purposes of this Act.

Section 13. Sections 13.010 to 13.070, and section 13.990, of the Kentucky Revised Statutes, are repealed.

**AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93 and 95 thereof.**

Section 1. That the Constitution of the Commonwealth of Kentucky be amended in relation to the subject of Officers for the State at Large so that the following sections thereof shall read as follows:

"Section 84. Should the Governor be impeached and removed from office, die, refuse to qualify, resign, or be, from any cause, unable to discharge the duties of his office, the Lieutenant Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall be able to discharge the duties of his office. On the trial of the Governor, the Lieutenant Governor shall not act as President of the Senate or take part in the proceedings, but the Chief Justice of the Court of Appeals shall preside during the trial."

"Section 85. A President pro tempore of the Senate shall be elected by each Senate as soon after its organization as possible, the Lieutenant Governor vacating his seat as President of the Senate until such election shall be made; and as often as there is a vacancy in the office of President pro tempore, another President pro tempore of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached and removed from office, refuse to qualify, resign, die, or be, from any cause, unable to discharge the duties of administering the government, the President pro tempore of the Senate shall in like manner administer the government: Provided, whenever a vacancy shall occur in the office of Governor before the first two years of the term shall have expired, a new election for Governor shall take place to fill such vacancy."

"Section 87. If the Lieutenant Governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be, from any cause, unable to discharge the duties of administering the government during the recess of the General Assembly, if there be no President pro tempore of the Senate, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a President; and until a President is chosen, the Secretary of State shall administer the government. If there be no Secretary of State to

perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the Attorney-General, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen."

"Section 91. An Auditor of Public Accounts and an Attorney-General shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of these officers shall be such as may be prescribed by law and as may properly appertain to the offices. These officers shall enter upon the discharge of their duties the first Monday in January after their election and shall hold their offices until their successors are elected and qualified."

"Section 92. The Attorney-General shall have been a practicing lawyer eight years before his election, and be a member in good standing of the Bar of Kentucky."

"Section 93. The Attorney-General and the Auditor of Public Accounts shall be ineligible for the succeeding four years after the expiration of the term for which they shall have been elected. Other State officers, not specifically provided for in this Constitution, shall have such qualifications, and may be appointed or elected in such manner for such reasonable term of years, as may be prescribed by law."

"Section 95. The election under this Constitution for Governor, Lieutenant Governor, Auditor of Public Accounts and Attorney-General, shall be held on the first Tuesday after the first Monday in November, nineteen hundred and fifty-five, and the same day every four years thereafter."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

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**Changes time for voting School Building Bonds in districts embracing cities of first four classes.**

Section 1. Subsection (1) of Section 160.477 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Upon request of the board of education of any school district, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, the question as to whether a special school building tax rate of not less than five cents nor more than fifty cents as requested by the board shall be levied on each one hundred dollars of property subject to local taxation. This tax levy shall be in addition to the maximum school tax levy provided by KRS 160.475. The income from the tax shall be used for the purchase or lease of school sites and buildings, for the erection and complete equipping of new school buildings, for the major alteration, enlargement and complete equipping of existing buildings, for the purpose of retiring, directly or through rental payments, school revenue bonds issued for such school building improvements, and for the purpose of financing any program for the acquisition, improvement, or building of schools. The question shall be so framed that the voter may by his vote answer "For" or "Against."

(b) The election shall be held at a time fixed in the ordinance or resolution, not less than fifteen or more than thirty days from the time the request of the board is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the school district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be borne by the fiscal court except where the election is held in a district embracing a city of the first five classes, in which case the cost of the election shall be borne by the governing body of the city.

(c) If a majority of those voting on the question favor the special school building tax levy, the tax levying authority shall when the next tax rate for the district is fixed levy the special rate specified by the board of education of the school district for the school building fund in addition to the levy provided by KRS 160.475.

Section 2. Whereas, a discrimination against independent school districts extant in Subsection (1) of KRS 160.477 has seriously curtailed the right of such districts to replace school buildings which have been destroyed by fire; and

Whereas, there exists a present need for replacement of such school buildings destroyed by fire;

An emergency is hereby declared to exist and this Act shall become effective as a law immediately upon its passage and approval by the Governor.

**Furnishing of school services to children in certain state institutions of Jefferson County.**

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Out-of-district children," means those children of school age resident in a state-operated institution who were placed therein from school districts other than the one in which the institution is located.

(2) "Current costs and expenses," means all expenditures, other than for capital outlay and debt service, which, in the final result, are an actual charge on the tax revenue of the school district for the furnishing of school services to out-of-district children. Among other things, "current costs and expenses" does not include those expenditures for which the school district receives reimbursement from any source, other than from the state under the provisions of this Act.

Section 2. Any county or independent school district which provides elementary or secondary school services to out-of-district children shall be reimbursed by the Department of Education, out of funds not required by law to be expended for other purposes or in any other manner, in an amount equal to all current costs and expenses of the district for furnishing such services in excess of any per capita distribution received from the Common School Fund on behalf of the children. The school services furnished to out-of-district children shall be substantially equal to those furnished to other school children of the district.

Section 3. The school district shall make to the Superintendent of Public Instruction such reports as he requires concerning school services for out-of-district children, and shall file with the state agency operating the institution in which the children are resident a copy of the annual report made to the Superintendent of Public Instruction.

Section 4. The school district, at the end of each school year, shall make application to the Superintendent of Public Instruction

for the reimbursement due on behalf of school services furnished during the year just ended. After approving the application, the Superintendent of Public Instruction shall notify the Commissioner of Finance who shall cause a warrant, in the appropriate amount, to be drawn in favor of the school district.

Section 5. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Department of Education, the sum of \$35,000 for each of the fiscal years of 1952-53 and 1953-54, to be used to carry out the provisions of this Act.

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**AN ACT proposing an amendment to section 186 of the Constitution of Kentucky, relating to the Common School Fund.**

Section 1. It is proposed that section 186 of the Constitution of Kentucky be amended so as to read as follows:

"All funds accruing to the school fund shall be used for the maintenance of the public schools of the Commonwealth, and for no other purpose, and the General Assembly shall by general law prescribe the manner of the distribution of the public school fund among the school districts and its use for public school purposes."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under sections 256 and 257 of the Constitution and under sections 118.170 and 118.430 of the Kentucky Revised Statutes.

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**AN ACT providing the manner and time of electing members of county boards of education in counties containing a city of the first class, if and when an independent school district in a city of the first class is merged with the county school district, and providing for the filling of vacancies in office.**

Section 1. That upon a merger under the provisions of Section 160.040 and Section 160.041 of the Kentucky Revised Statutes of an independent school district in a city of the first class with a county school district in counties containing a city of the first class, the members of the county board of education of the merged county school district, shall be elected from the county school district at large.

Section 2. Each member of the respective boards of education at the time of the merger of the districts, may continue to hold office until the expiration of his or her term of office, but any vacancy occurring among such members for any reason shall not be filled.

Section 3. At the regular November election during the first even number year nearest to the time of the merger of the districts, as above set out, two (2) members of the county board of education shall be elected from the county at large for a term of four (4) years, and two (2) years after such first election, three (3) members of the county board of education shall be elected for a term of four (4) years, and in each even numbered year thereafter an election shall be held from the county at large to fill the membership of the county board of education for the term that will expire on the first Monday in January following, and the regularly elected members shall hold office for four (4) years, and until their successors are elected and qualified.

Section 4. Any vacancy occurring in the membership of the county board after members have been elected from the county at large, shall be filled as now provided by Section 160.190 Kentucky Revised Statutes.

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**AN ACT relating to powers of corporations: Amending Section 271.125 of the Kentucky Revised Statutes.**

Section 1. That Section 271.125 of the Kentucky Revised Statutes be and the same is hereby repealed, amended and reenacted so that as amended and reenacted it shall read as follows:

Each corporation formed under the provisions of this chapter shall have power:

- (1) To have a corporate seal and alter it at pleasure;
- (2) To continue as a corporation for the time limited in its articles of incorporation, or, if no such time limit is specified then perpetually;
- (3) To sue and be sued in its corporate name;
- (4) To contract and be contracted with;
- (5) To acquire, hold, sell, dispose of, pledge or mortgage any



such property as its purposes may require, subject to any limitation prescribed by law or the articles of incorporation;

(6) To elect and appoint such officers and agents as the business of the corporation shall require, and to remove them, to define their duties and fix their compensation and to require a bond for the faithful discharge of their duties;

(7) To make bylaws not inconsistent with law;

(8) To conduct the business and promote the purposes for which it was formed in this state and elsewhere as may be permitted by law;

(9) To dissolve and wind up as provided in KRS 271.495 to 271.545;

(10) To acquire, hold, mortgage, pledge or dispose of the shares, bonds, securities and other evidences of indebtedness of any domestic or foreign corporation;

(11) To indemnify its directors and officers as set out in KRS 271.375;

(12) To accept gifts and to carry out any terms, requests or conditions prescribed or made by the donor thereof;

(13) To make donations for public welfare, scientific, religious or educational purposes.

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**Setting minimum school term and exceptions.**

KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be nine months. The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation or donations justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

(2) If extending the term to the minimum provided in paragraph (1) of this Act will reduce the salaries of teachers in districts

because of extending the terms of grades which were operated for less than nine months during the school year ending June 30, 1952, boards of education may operate such grades for less than nine months for such a term as will be approved by the Superintendent of Public Instruction as meeting the requirements of this Act.

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**AN ACT relating to time of payment of Teachers' Retirement annuities.**

Section 1. Section 161.640 of the Kentucky Revised Statutes is amended to read as follows:

Retirement annuities shall be payable monthly. The first payment to annuitant shall be made at the payment date at the end of one full payment period after his retirement and shall consist of one regular monthly payment.

Section 2. This Act shall become effective July 1, 1952.

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**Age of entrance to common schools.**

Section 158.030 of the Kentucky Revised Statutes is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by December 30 following the opening of school may enter school provided that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. Any child who becomes six years of age later than December 30 following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after

the opening of the second semester shall not enter school during that semester.

Section 2. Any member of a school board who votes to permit entrance to a school of any child not eligible therefor under the provisions of KRS 158.030 shall be fined not less than five dollars nor more than fifty dollars.

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**Appointment of members of the board of trustees of the University of Kentucky.**

Section 164.130 of the Kentucky Revised Statutes is amended to read as follows:

The government of the University of Kentucky is vested in a board of trustees, consisting of the Governor, who shall be chairman of the board, the Superintendent of Public Instruction, the Commissioner of Agriculture, Labor and Statistics, and twelve competent citizens of Kentucky appointed by the Governor. The terms of the appointed members shall be for four years and until their successors are appointed and qualify. Beginning January 1, 1953, three of the twelve appointed members shall be appointed each year; provided however, in order to give appropriate effect to this provision, that between the effective date of this Act and January 1, 1953, appointments shall be as follows: Three members shall be appointed for a one-year term calculated to have begun on January 1, 1952, three members shall be appointed for a three-year term calculated to have begun on January 1, 1952, and three members shall be appointed for a four-year term calculated to have begun on January 1, 1952. The terms of the three members of the present board which will expire December 31, 1953, shall not be affected by the foregoing provision. Three of the appointed members shall be representative of agricultural interests, three shall be alumni of the university and six shall be other distinguished citizens of the state. The Governor shall so make the appointments as to divide the representation upon the board, including the ex officio members, equally between the two leading political parties of this state. With the exception of the members of the board of trustees appointed from the alumni of the university, no two appointed members of the board shall be residents of any one county in Kentucky. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for original appointments.

**AN ACT relating to child labor.**

Section 1. Section 339.230 of the Kentucky Revised Statutes is amended to read as follows: A minor who has passed his fourteenth birthday but is under sixteen years of age may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except: (1) He may not be employed during regular school hours, unless:

(a) He has been granted a special employment certificate in accordance with the provisions of KRS 339.260, and then only in such occupations as are authorized in accordance with that section; or

(b) The school authorities have made arrangement for him to attend school at other than the regular hours, in which event he may be employed subject to KRS 339.260, during such of the regular school hours as he is not required to be in attendance under the arrangement; or

(c) He has graduated from high school.

(2) He may not be employed:

(a) In, about or in connection with any manufacturing or mechanical establishment.

(b) On or in connection with any power-driven machinery except under school supervision as provided in KRS 339.430.

(c) As a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

(d) In the manufacture, transportation, or use of explosives or highly inflammable substances; in or about mines or quarries; in any tunnel or excavation; in logging operations or in any sawmill, lathe mill, shingle mill, or cooperage stock mill; as engineers, firemen, brakemen, or switchmen on any railroad; in the operation of motor vehicles; upon any scaffolding or in heavy construction work; in operating steam boilers carrying a pressure of fifteen pounds or more; in operating or assisting in operating elevators, cranes, derricks, or hoists; in operating or assisting in operating any punch presses or stamping machines, metal or paper cutting machines having a guillotine action, metal shears or plate bending machines, machines used for cold rolling of heavy metal stock, wood-working

machines, grinding, abrasive or polishing machines, laundry or dry cleaning machines, calendar rolls or mixing rolls in paper or rubber manufacturing, dough breakers or dough mixing machines, or machines used for opening, picking or carding of cotton or wool; in ore reduction works; smelters; hot rolling mills; plant manufacturing iron and steel; foundries; forging shops, and in any other place in which the heating, melting, or heat treatment of metals is carried on; in the manufacture or use of dangerous or poisonous dyes or chemicals and their compounds, or in the manufacture of lead, or in exposure to lead or its compounds; in any occupation involving exposure to radioactive substances; in oiling or cleaning machinery in motion; in stone cutting or polishing; or in assorting, manufacturing or packing tobacco.

(e) In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed (except he may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted), or in a pool or billiard room.

(f) In any place of employment, or at any occupation, that is hazardous or injurious to the life, health, safety or welfare of such minor.

(g) In a public bowling alley.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place.

Section 2. Section 339.240 of the Kentucky Revised Statutes is amended to read as follows: (1) A minor who has passed his sixteenth birthday but is under eighteen may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except as provided in subsections (2) and (3) of this section.

(2) A minor of such age may not be employed, permitted or suffered to work in, about or in connection with any of the occupations enumerated or described in paragraphs (d), (e) and (f) of subsection (2) of KRS 339.230, except that such a minor who is employed under a written apprenticeship agreement that has been ap-

proved by the State Apprenticeship Council may perform work in, about or in connection with such enumerated or described occupations if the work is incidental to the apprentice training, is performed intermittently for short periods of time, and is under the direction and supervision of an instructor as a necessary part of the apprentice training.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the streets occupations of peddling or bootblacking or in any other occupation pursued in any street or public place, nor as a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

Section 3. Section 339.260 of the Kentucky Revised Statutes is amended to read as follows: (1) No minor under eighteen years of age shall be employed, permitted or suffered to work in any gainful occupation more than six consecutive days in any one week, nor more than eight hours in any one day, nor more than forty hours in any week, except that the six-day limitation shall not apply to employment as a newsboy in the sale or delivery of newspapers.

(2) No minor under sixteen years of age who is attending school and working outside of the hours he is required to be in attendance at school shall be employed, permitted or suffered to work for more than three hours on a school day or more than twenty-three hours during a school week.

(3) No minor of sixteen or seventeen years of age who is attending school in session during the day other than a part-time or continuation school, and working outside of the hours he is required to be in attendance at school, shall be employed, permitted or suffered to work for more than four hours on a school day or more than twenty-eight hours during a school week.

(4) No minor under fifteen years of age shall be employed, permitted or suffered to work in any gainful occupation before seven o'clock in the morning or after six o'clock in the evening of any day; nor shall any minor fifteen years of age be employed, permitted or suffered to work before seven o'clock in the morning or after eight o'clock in the evening of any day; nor shall any minor of sixteen and seventeen years of age be employed, permitted or suffered to work before six o'clock in the morning or after ten

o'clock in the evening of any day, provided that minors between sixteen and eighteen years of age may be employed in a concert or theatrical performance up to 11:00 p. m.

Section 4. Section 339.290 of the Kentucky Revised Statutes is amended to read as follows: (1) Employment certificates shall be of three kinds: General employment certificates, vacation employment certificates, and special employment certificates. A general employment certificate shall permit the employment of a minor between sixteen and eighteen, or a minor who has completed high school, during the entire year. A vacation employment certificate shall permit the employment of a minor between fourteen and sixteen during school vacations or outside the hours the minor is required to be in attendance at school. A special employment certificate shall permit the employment during the entire year of a minor fourteen or fifteen years of age who has been excused from compulsory school attendance under the provisions of paragraph (c) or (d) of subsection (1) of KRS 159.030. A special employment certificate shall be issued to a minor who has been so excused from compulsory attendance, upon compliance with the same requirements as in the case of a general employment certificate, except that a schooling record shall not be required. A special employment certificate shall not authorize the employment of a minor in or in connection with or for a factory.

(2) If on account of mental condition a minor has been exempted from attendance at school or recommended by a state child guidance clinic or other approved examiner to be placed in an institution for retarded children, the certificating officer shall issue an employment certificate to such minor only when satisfied that the work available and the supervision under which it will be performed are such that the job is suitable and safe for said minor to undertake.

Section 5. Section 339.300 of the Kentucky Revised Statutes is amended to read as follows: The employment certificates required by KRS 339.210 to 339.450 shall be issued by the local board of education through its superintendent or other authorized agent, in such form and under such conditions as may be prescribed by the Department of Education; provided, that in any county containing a city of the first or second class, probation officers may issue the special employment certificates provided for in KRS 339.290, in

accordance with the regulations prescribed, and upon the forms furnished, under KRS 339.310.

**Selection and adoption of textbooks for use in public schools.**

Section 1. (1) On or before July 1, 1954, the Superintendent of Public Instruction shall classify the elementary and secondary school subjects included in the State Courses of Study as prescribed by the State Board of Education under seven subject fields as follows: (a) Language Arts; (b) Social Studies; (c) Science and Health; (d) Mathematics; (e) Fine and Practical Arts; (f) Foreign Languages; (g) Vocational and Business Education. The Superintendent of Public Instruction shall arrange the seven subject fields into four adoption groups. The four adoption groups shall be arranged as nearly equal in number and purchase cost as possible.

(2) The schedule for the periods of adoption shall be as follows:

Adoptions in Group I shall be made in 1955 and the period of adoption shall be for four years.

Adoptions on Group II shall be made in 1955 and the period of adoption shall be for three years.

Adoptions in Group III shall be made in 1955 and the period of adoption shall be for two years.

Adoptions in Group IV shall be made in 1955 and the period of adoption shall be for one year.

Provided, however, in 1955 not more than one-half of the textbooks in use in any subject may be changed with the exception of the subjects in Group I in which all textbooks in use shall be adopted; or

Provided, further, that the State Textbook Commission, by mutual agreement with the textbook publishers now under contract with the State of Kentucky, may extend the present contracts as follows:

Contracts for all or part of the textbooks in use for the subjects in Group IV may be extended for a period of one year.

Contracts for all or part of the textbooks in use for the subjects in Group III may be extended for a period of two years.



Contracts for all or part of the textbooks in use for the subjects in Group II may be extended for a period of three years.

Upon the expiration of the periods of adoption or contract extensions as set in the aforesaid schedule for the periods of adoption and contract extensions in each of the above fields, adoptions shall be made for a period of four years for each adoption group in which textbooks for all the subjects shall be adopted.

Section 2. (1) The State Textbook Commission shall consist of the Superintendent of Public Instruction and eight appointive members. The eight members shall be appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction for terms of four years, excepting the 1954 appointments. Eight members shall be appointed on or before July 1, 1954 for the following terms: two members for terms of one year; two members for terms of two years; two members for terms of three years; and two members for terms of four years. Beginning with 1955 and each year thereafter, upon the expiration of the terms of the appointees, two members shall be appointed for terms of four years. All vacancies that occur on the State Textbook Commission shall be filled in like manner for the remainder of the unexpired terms. Nothing contained herein shall be construed to affect the tenure of office of persons serving on the State Textbook Commission on the effective date of this Act.

(2) The appointive members of the State Textbook Commission shall have had not less than five years teaching or supervising experience in the public schools of Kentucky and must have had at the time of their appointment at least four years of college training in a recognized institution of higher education. Five members of the Commission shall be classroom teachers actively employed in the public schools of Kentucky as teachers in subject field or fields for which the commission will select books. Two members shall be principals, supervisors, or superintendents of public schools or public school systems. One member shall be a member of the faculty of a public institution of higher education engaged in teacher education. In selecting the members of the State Textbook Commission the Superintendent of Public Instruction shall give due regard to representation from rural and urban areas and both elementary and secondary levels when both educational levels are included in the subject field or fields for which adoptions are to be made.

(3) Members of the State Textbook Commission shall serve without remuneration except reimbursement for their actual expenses while attending Commission meetings.

(4) The meetings of the State Textbook Commission shall be open to the public.

(5) Not later than July 15 each year the Superintendent of Public Instruction shall call the State Textbook Commission into session at the State Capitol. The members of the State Textbook Commission shall elect one of its members as chairman and shall adopt rules and regulations for the procedure of the Commission. The Superintendent of Public Instruction shall be the Secretary of the Commission.

Section 3. (1) The Superintendent of Public Instruction shall prepare minimum manufacturing standards and specifications, construct score cards, and formulate other criteria for use in the selection and adoption of textbooks in Kentucky.

(2) It shall be the duty of the Superintendent of Public Instruction to prepare all necessary forms for use in the selection and adoption of textbooks, such as advertising for textbook bids, forms for bids, bonds and contracts, and other forms.

(3) The State Board of Education upon the recommendation of the Superintendent of Public Instruction shall have authority to prescribe (1) rules and regulations pertaining to all textbook samples for use on the State and local levels; and (2) shall have authority to prescribe rules and regulations relating to the agents and representatives of textbooks as to the number participating and the methods and procedures for use in textbook adoptions on the State and local levels.

(4) The Superintendent of Public Instruction, on or before July 20 prior to any adoption year, shall properly advertise the subjects for which textbook adoptions will be made and notify the different publishers of the same. The publishers, on or before August 20, prior to any adoption year, shall file with the Superintendent of Public Instruction textbook samples, filing fees, textbook bids and bonds, and other specified information relative to the books that they desire to offer for adoption.

Section 4. Before textbooks offered for adoption and use in public schools of Kentucky may be lawfully approved and listed by

the State Textbook Commission or purchased by any board of education, the person, firm or corporation offering the books for adoption and use shall file with the Superintendent of Public Instruction:

(1) Copies of all textbooks that the person, firm or corporation desires to offer for adoption and use, with a sworn statement of the list price, the lowest wholesale price and the lowest exchange price at which each of the books is sold in any adopting unit.

(2) A statement that all the books offered for sale, adoption, use and exchange do comply with the standards and specifications for textbooks designated by the Superintendent of Public Instruction as regards to paper, binding, printing, illustrations, subject matter, and other items included in the standards and specifications.

(3) Copies of any revision or special editions of the textbooks filed, with a statement describing in detail each point of difference from the regular edition filed, and the list price, the lowest wholesale price and the lowest exchange price at which the revision or special edition is sold anywhere in the United States.

(4) A fee of five dollars for each book filed except when a series of books is filed, in which case the fee shall be five dollars for the first book and one dollar for each additional book in the series. The fee provided by this subsection shall be paid at each and every adoption period.

(5) A bond running to the Commonwealth of Kentucky, executed by a surety company authorized to do business in this State, in a sum not less than two thousand dollars nor more than ten thousand dollars, to be determined by the Superintendent of Public Instruction.

Section 5. The bond required by the person, firm or corporation offering the books for adoption shall be so conditioned that:

(1) The person, firm or corporation will furnish any of the books listed in the statement filed for the period of adoption from the date of the bond to any school district in Kentucky, or to any dealer appointed by the district, at the lowest wholesale price contained in the statement, f.o.b. the publisher's nearest shipping point.

(2) The person, firm or corporation will automatically reduce such prices in Kentucky whenever reductions are made anywhere in the United States, so that no such book shall at any time be sold in Kentucky at a higher wholesale price than is received for that book elsewhere in the United States.

(3) If the person, firm or corporation prepared an abridged or special edition of any book that has been listed and sells it elsewhere at a lower wholesale price than the wholesale price set out in the filed statement, the person will file a copy of the special edition with the price thereof in a supplemental statement with the Superintendent of Public Instruction.

(4) All books sold in Kentucky will be identical with the specimen books filed with the Superintendent of Public Instruction as regards size, paper, binding, print, illustrations, subject-matter, and other particulars which may affect the value of the books.

(5) The person, firm, or corporation will not enter into any agreement, understanding or combination to control the price of textbooks or to restrict competition in their sale in Kentucky.

Section 6. The form of the sworn statement and bond required shall be prescribed by the Attorney-General. The bond shall be in force for the adoption period. The person, firm, or corporation may at any time while the bond is in force file a supplemental statement covering additional books or special editions of books previously filed. The supplemental statement shall expire at the date of expiration of the original statement and bond. Prior to the expiration of any statement and bond the person may file a new statement and bond for a further period of adoption, and if he fails to do so his right to offer textbooks for adoption and use in the public schools of Kentucky shall expire of the date of expiration of the former bond.

Section 7. The superintendent of schools of each school district shall notify the Superintendent of Public Instruction of any violation of any of the conditions in any bond so filed. If the Superintendent of Public Instruction finds that a violation has occurred, he shall instruct the Attorney-General to bring suit on the bond. Any sum recovered in such suit shall be paid into the State Treasury.

Section 8. (1) The State Textbook Commission shall, not later than October 1 prior to any adoption year, select, approve, and pub-

lish a list of ten books in each subject and grade, taking into account the needs of the various types of school organizations. Not more than two books for any subject and grade so listed shall be from the same person, firm, or corporation. If less than ten books in any subject and grade are offered, the Commission may list fewer than ten, but in that event it shall not list more than one book for the same subject and grade from the same person, firm, or corporation.

The list shall be certified and presented to the Superintendent of Public Instruction on or before October 10 following the selection.

(2) The State Textbook Commission shall have the authority to reject any book which contains subversive material or information that is offered for listing or adoption. If the Commission finds on the multiple list any book which contains subversive material or information, provided the publisher of such a book has been given written notice by the Secretary of the Commission not less than thirty (30) days prior to the meeting, the Textbook Commission shall have authority to remove the book from the state multiple list. The State Textbook Commission shall have the authority to add books to the state list when the number of books on the list is less than ten per subject and grade or when the list does not contain books for subjects added to the State Courses of Study.

(3) The Superintendent of Public Instruction shall make and execute contracts for the selected books with the publishers within fifteen days of the approval of the books selected by the Commission. Except for the adoptions in 1955 described heretofore in this Act, all contracts shall run for four years.

(4) The State Textbook Commission, during the interval from April 15 to April 25 inclusive, shall designate one book on the State multiple list for each subject and grade for use in the school district or districts that decline or fail to make textbook adoptions on or before April 1.

(5) The Superintendent of Public Instruction shall prepare a list of the adopted books and publish same and send a copy to the superintendents of each county and independent school district in Kentucky on or before October 15 of each adoption year.

Section 9. (1) Textbook publishers, upon the request of the superintendents of the county and independent school districts, shall furnish to the local boards of education the requested sample copies of their books that were selected and placed on the State

multiple list of textbooks by the Textbook Commission. The textbook publishers shall ship and bill these copies to the local boards of education at the lowest wholesale price with shipping charges prepaid. After the school districts have made their textbook adoptions and certified them to the Superintendent of Public Instruction, all sample copies of books shall be returned to the publishers from whom obtained by May 1, shipping charges to be paid by the publishers. On the other hand, the local boards of education may retain the books but shall pay the publishers the lowest wholesale price for them.

(2) The board of education of each county and independent school district shall upon the recommendation of its superintendent and not later than April 1 of any adoption year select from the State multiple list one book for each subject and grade to be used as a basal text, in its school system for a period of four years.

(3) County and/or independent school district or districts, however, may decline to make textbook adoptions. Such a school district or districts that decline or fail to make textbook adoptions on or before April 1 shall use the books on the State multiple list designated by the State Textbook Commission for each subject and grade for the adoption period.

(4) After the local board of education has adopted the basal textbooks for use of the district and not later than April 15, the superintendent of schools shall send to the Superintendent of Public Instruction a complete list of books adopted properly certified by the Chairman and Secretary of the Board of Education.

Section 10. No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the State multiple list of textbooks by the State Textbook Commission. Any changes of textbooks made by the State Textbook Commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

Section 11. Each board of education may appoint one or more dealers to act as official retail agents for the sale of books for use in the school district, or any school unit may purchase and distribute books to its own patrons. Persons whose books have been adopted

under these provisions shall furnish the books, either through the official retail agents or through respective boards of education, at the lowest wholesale price and the lowest exchange price listed with the Superintendent of Public Instruction f.o.b. the publisher's nearest shipping point. Each official retail agent shall give a reasonable bond, if required, to the persons who have contracts to furnish adopted texts. All orders given by the retail agent or board of education shall be promptly filled. The official retail agent shall sell the books at not more than twenty per cent in excess of the listed wholesale price. Where old books, displaced by new adoption, are offered by pupils in exchange for the corresponding new books, the new books shall be offered at a price not more than twenty per cent in excess of the listed exchange price. If any agent violates the requirements of this section, or fails to give reasonable bond requested by any person who has a contract to furnish adopted texts, the board of education that appointed the agent may, by giving notice prior to May 1 in any year, revoke the appointment on July 1 of that year. When an agent's permit is revoked or terminated, all textbooks as per inventory of the agent must be paid for at wholesale price by the person from whom the textbooks were purchased, if the textbooks are of the lawful adoption.

Section 12. When a pupil removes from any school district, the board of education of the district shall, if requested, purchase from the pupil the textbooks in actual use by him at the time. The price shall be based upon the condition of the books. The books may be sold by the board of education, or furnished to indigent children in the district.

Section 13. No superintendent, teacher or other official or employee of any institution supported wholly or in part by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the Superintendent of Public Instruction.

Section 14. No person shall secure or attempt to secure the adoption of any school textbook in any school district in this State by rewarding or promising to reward, directly or indirectly, any person in any public school in the State. No person shall offer or give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for any school textbook to be used in this State.

Section 15. Sample books submitted to the State Textbook Commission for examination shall remain the property of the person submitting them if claimed within thirty days after adoption. If not claimed within that period they shall be sold by the State Board of Education.

Section 16. (1) Any witness who fails, without legal excuse, to attend or to testify, when required by the Superintendent of Public Instruction under these provisions, shall be fined not more than twenty-five dollars for each offense.

(2) Any person who violates any of the provisions of this Act shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

Section 17. Section 156.260 to 156.380 inclusive, and Section 156.990 of the Kentucky Revised Statutes are hereby repealed.

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**Retired teachers may do substitute teaching.**

Retired teachers may do substitute teaching in the public schools of Kentucky for a period not to exceed thirty (30) days in any one school year, and receive compensation for same without reduction in retirement annuities.



## DECISIONS OF THE COURT OF APPEALS

Decisions in Kentucky 312 to and including Page 274 were included in the 1950 Edition of the School Laws. The following are the next Decisions made by the Court of Appeals concerning education and are contained in the South Western Reporter beginning with 230 S.W. 2d—No. 1.

### Volume 230 S.W. 2d

*Nethery et al. v. McMullen et al.*, 230 S.W. 2d 79, May 16, 1950.

Where Shelby County had operational control of high school located in Mt. Eden school district lying in Shelby and Spencer Counties, and district was abolished, and both counties continued to operate school until Spencer County agreed to pay Shelby County tuition rate for each Spencer resident educated in school, and State Board of Education deferred accrediting school because it did not report sixty pupils during year, action by Shelby Board of Education in consolidating high school with other high schools in county, which were located as advantageously as possible for all students in county, and continuing Mt. Eden school for first nine grades, was not an abuse of discretion. KRS 160.020, 160.150.

*Board of Education of Spencer County et al. v. Spencer County, Levee, Flood Control and Drainage Dist. No. 1, by its Board of Com'rs, et al.*, 230 S.W. 2d 81, May 16, 1950.

Board of education could not be required to pay assessment by county flood and drainage district to help build a flood wall notwithstanding board and children in its district would benefit thereby since such expenditure would be for "other than educational purpose" prohibited by Constitution. KRS 268.010 et seq.; Const. Sec. 180.184.

*Alford et al. v. Shaw et al.*, 230 S.W. 2d 102, May 19, 1950.

Where children were entitled to transportation to embarkation point for the school which County Board of Education designated for their attendance, they were entitled to transportation to same embarkation point even though they chose to proceed from that point to school of their own choice.

### Volume 231 S.W. 2d

*Turner et al. v. City Board of Education of City of Mayfield*, 231 S.W. 2d 27, June 23, 1950.

Where houses in which certain school children lived were partly within and partly without limits of city school district, ruling that such of the children whose houses were more than half and as much as two-thirds within the city should be adjudged to reside in the city and were entitled to attend city schools without payment of any tuition was proper.

Suratt et al. v. Board of Education of City of Ashland, 231 S.W. 2d 88, June 20, 1950.

Where ordinance provided for issuance of school improvement bonds in the amount of \$1,000 each, to mature in not exceeding 40 years but resolution adopted by Board of Education provided for issuance of serial bonds, resolution did not comply with terms of ordinance calling for election on bond question and bonds were invalid. KRS 162.080, 162.090.

Carter et al. v. Taylor, Judge, et al., 231 S.W. 2d 601, July 6, 1950.

Where 150 county high school pupils had been cared for by contract with independent school board and by maintaining county high school with elementary grade pupils in inconvenient part of county, and county had existing bonded debt of \$225,000 and board of education a debt of nearly \$100,000, but more than enough money was available for servicing debts and meeting obligations for new school, approval of plan by which board of education and fiscal court proposed to erect high school and issue \$250,000 in bonds payable from rents received annually from board over 20 years period was not an abuse of discretion. KRS 160.290 (1), 162.140.

Hall et al. v. Allen et al., 231 S.W. 702, July 6, 1950.

Where member of county board of education appeared before board and tendered his resignation in order to remove himself so that another person could be appointed, and another person was appointed and undertook to act as a duly qualified member of the board, the office was "abandoned" by the member who tendered resignation.

#### Volume 232 S.W. 2d

Kirwan v. Speckman, 232 S.W. 2d 841, June 6, 1950.

A member of board of education is a state and not a county officer.

Folks et al. v. Barren County et al., 232 S.W. 2d 1010, September 29, 1950.

Board of education was authorized by Section 160.477 KRS to set a tax rate between five and fifty cents for purposes of raising funds to be used for school building purposes. The fifteen to thirty days mentioned in the Statutes is directory and the fact that thirty-one days elapsed before the election was substantial compliance therewith and was sufficient notice. The publication of the notice of the election twice in two weekly newspapers, once on July 20 and once on August 3, was reasonable notice.

#### Volume 235 S.W. 2d

Bourbon County Board of Education et al. v. Darnaby, 235 S.W. 2d 66, December 15, 1950.

Court held that no legal cause for removal of superintendent by board of education was shown.

The word "cause" in a statute authorizing the removal of officers for cause means legal cause, and not any cause which the Board authorized to make such removal may deem sufficient. It is implied that they cannot be removed at the mere will of those vested with power of removal, or without any cause. It must be a cause relating to, and affecting, the administration of the office, and must be restricted to something of a substantial nature directly affecting the rights and interests of the public.

Commonwealth ex rel. Funk, Atty. Gen. v. Robinson, 235 S.W. 2d 780, December 12, 1950.

Where teacher mailed application for teaching position in county school and County Board of Education, on recommendation of County Superintendent, employed him for coming school year and notified teacher of his employment, a binding contract existed between teacher and Board which teacher could not terminate under statute within 30 days prior to beginning of school term, without consent of board and teacher after entering into contract was ineligible to be elected to membership in Board under statute because at time of his election he was interested in sale of services to Board, for which services school funds were expended.

**Volume 236 S.W. 2d**

LaFollette et al. v. Ovesen et al., 236 S.W. 2d 457, January 30, 1951.

The statute providing for merger of independent school districts with county school districts by agreement, without directions as to terms or conditions of merger, is supplementary to and not in conflict with previous statute providing that members of all merged contiguous school districts' Boards of Education may serve out terms for which they were elected, so that merged county school district's and contiguous independent school district's Boards of Education had authority to agree that members of independent district board should serve on new enlarged district's board until expiration of their terms.

Smith v. Beverly et al., 236 S.W. 2d 914, February 16, 1951.

Act of members of school board in refusing to appoint one who had been recommended as principal of high school by superintendent, and employing substitute principals and paying them school funds, rendered members of school board liable as individuals, jointly and severally, and rendered substitute principals also liable individually for money had and received by them as illegal employees, if they had knowledge of nomination of nominee.

Bates v. Bates, 236 S.W. 2d 943, December 1, 1950. As Modified on Denial of Rehearing March 9, 1951.

Where deed provided that grantor was to have realty conveyed to trustees of public school when it ceased to be public property, option was personal to grantor and terminated at his death.

**Volume 237 S.W. 2d**

Jenkins Independent School District v. Hunt, 237 S.W. 2d 65, March 2, 1951.

Where boundaries of city extended beyond those of independent school district, and such school district was authorized by statute to charge tuition for nonresident pupils, school board was entitled to an injunction prohibiting father from sending his children to such school until tuition was paid. KRS 158.120.

Volume 239 S. W. 2d

Board of Education of Madison County et al. v. Wagers, Sheriff-Tax Collector, et al., 239 S.W. 2d 48, February 16, 1951.

Under the constitutional provisions, the school fund which may not be diverted from other than school purposes is only the net amount for school taxes produced after deducting the fee chargeable to its collection as long as the fee reasonably approximates the cost of making the collection, but if the fee percentage produces a substantial sum applied to a use other than paying the reasonable cost of collections then a part of the school tax is appropriated to something other than "school purposes" in violation of the Constitution. KRS 160.500: Const. Sec. 180.184.

Board of Education of Bath County et al. v. Hogge, 239 S. W. 2d 459, May 8, 1951.

Provision of contract that County Board of Education had right to transfer school principal from one position to another or from one school to another from time to time would prevail unless it contravened statute.

When principal's continuing contract was suspended in March and was not reinstated prior to July 6 meeting of County Board of Education, and suspension was based on order discontinuing school which was rescinded in May, and outgoing superintendent recommended that contract be reinstated at June meeting, and motion in June to reinstate failed for lack of second, and board at July meeting acted on assumption that principal was entitled to be employed for coming year, Board could not base any right to reduce principal's salary for the coming year upon mere absence of formal order reinstating the contract. KRS 161.760.

Whitt et al. v. Reed et al., 239 S.W. 2d 489, April 24, 1951.

(1) In action for injuries sustained by school pupil on school premises, petition alleging that defendants school superintendent, principal, maintenance supervisor and janitor were negligent in performance or non-performance of their ministerial duties stated cause of action against them as individuals.

(2) In action for injuries sustained by school pupil on school premises, petition alleging that county board of education, members, sued as individual defendants, violated certain statutes in under-

taking to authorize school building alterations, which resulted in defective condition causing injuries, stated cause of action against them on ground that their failure to perform mandatory legal duties was a cause of injuries.

(3) Public officers, empowered to appoint their subordinates, are bound to exercise ordinary care in selecting proper persons for various positions, to superintend their conduct, and to assign them no tasks for which they are known by officers to be incompetent and in execution of which it is reasonable to infer that disastrous consequences will result.

Board of Education of Louisville v. Society of Alumni of Louisville Male High School, Inc., 239 S.W. 2d 931, March 16, 1951.

Provision in deed of property for school purposes by which the Louisville School Board agreed to hold the property for exclusive use of white male students was void as a ceding away by the school board of its governmental powers or a restriction of the discretion by the school board and as contrary to public policy. Ky. St. 1909, Sec. 2949, 4382; Const. Sec. 183-189.

Kash v. Day et al., 239 S.W. 2d 959, May 15, 1951.

Since the person elected to office was not eligible to hold the office, a vacancy existed on the date the term of office of such person would have begun had he been eligible. The limitation period on authority of the board to fill the vacancy began to run the day the vacancy began.

Since it was not filled by the board within 90 days, the board had no power to fill it.

#### Volume 240 S.W. 2d

Fendley et al, v. Board of Education of Oldham County School District, 240 S.W. 2d 837, June 22, 1951.

Question, which was submitted to voters and affirmatively answered, relative to levying of special school building tax rate of not less than five cents nor more than thirty-nine cents on each \$100 of property valuation, was not improper because it failed to specify particular rate which school board was authorized to fix annually.

It was not invalid for failure to specify duration of newly established tax rate, and levy of tax was not limited to 30-year liquidation period of revenue bonds which might have been issued.

It did not limit newly established tax rate to any particular project and put voters on notice that they were asked to approve such increase as might be necessary to carry out effective school plans for indefinite number of years.

**Volume 242 S.W. 2d**

Hopkins County Board of Education v. Hopkins County et al., 242 S.W. 2d 742, August 20, 1951.

Court decided merger was legal August 20, 1951. New hearing denied November 2, 1951.

Court held that the merger was legal but left open an opportunity for appellees or other parties to bring new suit to call attention to any illegal or arbitrary action of the merged boards.

Hodgkin, Superintendent of Public Instruction, et al. v. Board for Louisville & Jefferson County Children's Home, 242 S.W. 2d 1008, October 19, 1951.

Section 186 of the Constitution requires school funds to be distributed to each school district.

Common school is school taught in district laid out by authority of school law, under control of trustees elected under these laws. A school operated in conjunction with the Louisville and Jefferson County Children's Home cannot be a common school.

Law authorizing distribution of funds to the Louisville and Jefferson County Children's Home is unconstitutional and is not within the scope of the intention of Sections 183 to 186 of the Constitution.

**Volume 243 S.W. 2d**

Commonwealth by Funk, Atty. Gen. v. Sizemore, 243 S.W. 2d 671, November 9, 1951.

Testimony of former teacher was attack on the basis of the school records. Because of the positive testimony of the appellee and the proof to the effect that the records were more or less unreliable, the Court held the eligibility valid on the basis of the testimony of the former teacher.

Reed et al. v. Greene et al., 243 S.W. 2d 892, November 16, 1951.

Janitors, bus drivers and mechanics are "public school employees" within the meaning of KRS 160.380.

**Volume 244 S.W. 2d**

Wells, Sheriff v. Board of Education of Menifee County et al., 244 S.W. 2d 160, December 6, 1951.

Where sheriff did work of collecting school taxes himself and did not employ a deputy, proper basis for determining his compensation was reasonable value of time required to be expended by the sheriff.

The integrity, judgment and responsibility required of sheriff, as elected public officer, are elements to be considered in determining value of his services, and such value should not be limited to the sum for which a competent clerk could have been hired.

Approximately \$1100 computed on basis of \$250 per month, was proper compensation for sheriff's services for collecting school taxes of \$39,812 in relatively poor county.

**Volume 245 S.W. 2d**

Reeves et al. v. Jefferson County et al., 245 S.W. 2d 606, November 21, 1951.

Where State Tax Commission assessed distilled spirits in bonded warehouses for ad valorem property tax purposes at \$42 per barrel after equalization, and such assessment was supported by essential findings and it was not shown that Commission arbitrarily abused discretion in making the assessment, petition seeking to compel re-assessment on ground that assessment was arbitrary and at less than fair cash value of the spirits estimated at a price the spirits would bring at a fair voluntary sale as required by constitution and statutes, did not state a cause of action.



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