

SECTION 13. *Be it further enacted*, That the party or parties with whom the contract is made, or the agent of the party or parties, shall designate in each county in the State, in such towns and cities as the State Textbook Commission shall require, at least one merchant who will handle the books of the contractor, that the contractor or his agent will supply books to said dealer so that there will be at all times in the dealers' hands a sufficient stock or supply of books contracted for to meet all immediate demands in his vicinity, that he will ship the books contracted for to such merchants at the price named in the contract f.o.b. Nashville, and that he will require said merchant to contract to sell said books at such f.o.b. price plus the merchant's spread fixed by the Textbook Commission; that the contractor or his agent will ship directly to parties living in any county where no arrangements have been made for distribution at the contract price f.o.b. Nashville, provided the price of the book or books so ordered shall be paid in advance; that the contractor or his agent will sell directly the books covered by said contract to school authorities of any county, city, or special school district authorized to purchase the same at the price named in the contract, f.o.b. Nashville.

The State Textbook Commission shall have full authority to make regulations governing distribution of all textbooks under contract.

SECTION 14. *Be it further enacted*, That it shall be a part of the terms and conditions of every contract made under the provisions of this Act that the State of Tennessee shall not be liable to any contractor or his agent in any manner or for any sum whatever. All such contractors and agents shall receive their pay and compensation solely and exclusively from the proceeds of the sale of books under their contract; and provided further, that in the adoption of textbooks by county, city and special school district boards of education as provided in this Act, the committees appointed by these respective boards of education shall first determine, from the published list of textbooks provided for in the first paragraph of Section 6 of this Act, what book or books shall be changed and request samples of the various publishers for books only that are to be changed, said samples to remain the property of the respective publishers, who shall have the right to claim said books within thirty (30) days after any adoption. All such books not claimed within thirty (30) days by the publishers shall become the property of the respective boards of education and shall be used for library purposes only.

SECTION 15. *Be it further enacted*, That no teacher or principal in any of the public schools of this State shall use or permit to be used in his or her school any textbooks upon any subject to the exclusion of the textbooks listed by the State Textbook Commission, provided that this shall not apply to textbooks previously listed and purchased with public funds. Any teacher or principal violating the provisions of this section shall be punished by a fine of not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars.

SECTION 16. *Be it further enacted*, That in the event that any bidder shall fail to execute contract and bond as required under this Act, or in the event any contractor shall fail to carry out the provisions of his contract, or in the event that all bids are unsatisfactory, or in the event of the invalidation of any adoption, the State Textbook Commission is specifically authorized to proceed at once to make such rules and regulations concerning the filing of bids and samples as are necessary for an immediate listing for adoption in such subjects for which no adoption exists. The State Textbook Commission shall then proceed to make selection and to list books for adoption, and to contract for textbooks in the subjects on which no adoption exists.

SECTION 17. *Be it further enacted*, That should any section or sections of this Act be declared unconstitutional by a court of competent jurisdiction, the validity of the remaining sections shall not be impaired by such decision.

SECTION 18. *Be it further enacted*, That nothing in this Act shall be construed as cancelling or in any manner modifying any existing contract with a publisher, or changing the period covered by such contract.

SECTION 19. *Be it further enacted*, That all laws and parts of laws in conflict with this Act are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed : March 14, 1951.

Approved : March 15, 1951.

GORDON BROWNING,
Governor.

MCALLEN FOUTCH,
Speaker of the House of Representatives.
WALTER M. HAYNES,
Speaker of the Senate.