LEGISLATION ENACTED BY
THE 1972 GENERAL ASSEMBLY:
SENATE BILLS 114 AND 68

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SENATE BILL 114, introduced by Senator Tom Garrett, amends Section 433.340 of the Kentucky Revised Statutes, and relates to willful damaging or attempting to damage a floodwall or levee. The original statute made a felony out of willful damage or attempts to damage any public levee with a penalty of one to five years in the penitentiary. This penalty was applicable only to those cases involving persons who deliberately blew up a flood protection levee, especially during times of high water. There was nothing, however, enforceable for instances of minor damage.

There is a definite problem caused by people driving vehicles and various types of equipment onto the levees, causing damage and a need for repair. A levee must be constantly maintained and properly sodded at all times in order to deter erosion. Minor damages can quickly become major points of weakness in the structure of a levee. We have needed a provision that provided a lesser penalty for minor damages. The new provision permits penalties for such minor damages in any amount from $10 to $50, depending upon the seriousness of the violation.

SENATE BILL 68 amends Section 436.160 of the Kentucky Revised Statutes relating to activities on Sunday. It also adds a new section to the Statutes pertaining to the same problem, the new section will be 436.170.

The State Sunday closing law prohibits employing persons on Sunday with certain exceptions. The law formerly exempted household work, works of necessity or charity, and public services. It also permitted employing persons on Sunday or working (yourself) on Sunday when the worker observed as a Sabbath one other day of the week. The law previously exempted athletic events, motion picture shows, speeches, operas, and service station operations. Different type penalties were formerly provided for those that held boxing or wrestling matches on Sunday, those who hunted on Sunday, and the same problem, the new section will be 436.170.

The City of Paducah has had poor experiences with Sunday closing. Until December, 1971 we had and enforced an ordinance relating to Sunday sales. The ordinance turned out to be invalid, and we repealed it. Since that time the only Sunday closing law for enforcement in our area was the State Statute. Since the County Sheriff’s office has had jurisdiction over city and county establishments, we have left it up to the sheriff to enforce the State Statutes uniformly throughout the county. Generally speaking, the statute has not been enforced although there are several violations in the county and a few violations within the city. This is not to say that the city police would not enforce the State Statute if a complaint was filed and a summons or warrant was issued. Also, the sheriff’s office would act on any complaint anywhere in the county, including the city.

At this time we have no intention of doing anything to liberalize the Sunday closing laws in Paducah, but if the demand arises, and if because of complaints the existing law is enforced, we might pass an ordinance permitting and regulating general retail sales.

At first it seemed somewhat regretful that the General Assembly enacted this law as permissive legislation or local option and that the legislators did not take the responsibility for the decision. But, it now appears that this was probably a wise choice to allow local communities to determine for themselves what to do about permitting businesses to operate on Sunday.

The problem of Sunday sales usually becomes critical in the pre-Christmas season. I therefore do not anticipate any real problem, or for that matter, that any decision will be necessary until next November or December. At that time we may have an entirely different attitude about this law.