

be necessary for the payment of clerkhire, printing, postage and office supplies of the Workmen's Compensation Bureau authorized by the Workmen's Compensation Act and to cure deficits which would otherwise occur in the said funds for the biennium ending June 30, 1935, to-wit:

Clerkhire .....	\$ 18,450.00
Printing .....	2,000.00
Postage .....	1,000.00
Office Supplies .....	2,500.00
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	\$ 23,950.00

which sums are in addition to all appropriations previously made for said funds for the said biennium.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 8, 1935.

## ATHLETICS

### CHAPTER 91

H. B. No. 213—(McIlraith)

#### STATE ATHLETIC COMMISSION

**An Act creating the State Athletic Commission, prescribing its powers and duties, providing penalties for violations and repealing all acts or parts of acts in conflict herewith.**

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. There is hereby created the State Athletic Commission to consist of three members, citizens of this state, of good moral character and over the age of twenty-one years; one of whom shall be a practicing physician in the state and one of whom shall be a practicing attorney in the state, who shall be appointed by the Governor and shall hold office at his pleasure for a term of three years, except as herein provided and until their successors are appointed and qualified. The third member of said board shall be the Commissioner of Agriculture and Labor, who shall be chairman of said commission by virtue of his office.

§ 2. Within thirty days after the passage of this act the Governor shall appoint as member of such commission one commissioner for a term of one year and one for a term of three years, such terms to commence on the first day of the month following such appointments. Any vacancy in office shall be filled by appointment by the

Governor for the unexpired portion of the term. No commissioner shall directly or indirectly promote any boxing, sparring or wrestling exhibition, or shall directly or indirectly engage in the managing of any boxer or wrestler or be interested in any manner in the proceeds from any boxing or wrestling exhibition.

§ 3. The commissioners shall serve without compensation, but shall be reimbursed from the funds of the commission for their expenses, actually and necessarily incurred in the performance of their duties.

§ 4. The State Athletic Commission shall have power to appoint and, at its pleasure, remove a boxing and wrestling commissioner and to prescribe his powers and duties. The boxing and wrestling commissioner shall be secretary of the State Athletic Commission but shall not be a member of the commission. His salary shall be fixed by the commission at \$600.00 per annum, in addition to expenses actually and necessarily incurred in the performance of his duty. He shall have power to provide necessary office quarters, equipment and supplies, and employ such assistance as may be necessary, but such quarters, equipment, supplies and assistance shall be provided only with the sanction of the athletic commission. All salaries and expenses shall be paid out of the fund of the commission as hereinafter provided.

§ 5. The State Athletic Commission shall have charge and supervision of all boxing, sparring and wrestling exhibitions held in the State of North Dakota and shall have power :

(1.) To provide such rules and regulations governing the conduct of boxing, sparring and wrestling exhibitions.

(2.) To issue licenses to individuals or organizations desiring to promote or conduct such exhibitions and to suspend or revoke such licenses at pleasure. Every application for such license shall designate the territory in which he intends to operate, and the license granted shall entitle the licensee to conduct such exhibition in such territory and no other, provided that no person or organization with license to promote or conduct such exhibitions shall directly or indirectly engage in the managing of any boxer or wrestler.

(3.) To collect 10% of the gross receipts from admission to boxing, sparring and wrestling exhibitions held within the state, and all moneys so collected shall be paid into the State Treasury and are hereby appropriated for the purpose specified in this act.

(4.) Provided, however, that the provisions of this act shall not apply to any boxing, sparring or wrestling exhibitions, the net proceeds of which are to be devoted to charitable purposes.

§ 6. All moneys of the commission shall be paid into the State Treasury and shall be disbursed at the direction of the commission in the same manner as other state funds are disbursed, save as herein otherwise provided. The 10% collected by said commission as

provided by Section 5, Subdivision 3, shall be paid into the said treasury at such times as the State Treasurer may direct.

§ 7. Unless revoked by the commission, licenses granted hereunder shall authorize the individuals or organizations receiving the same to conduct boxing, sparring and wrestling exhibitions in the community designated therein for the period of time specified, subject to the rules and regulations of the commission and to such restrictions as the commission may in its discretion incorporate therein. No boxing, sparring or wrestling exhibitions shall be held on Sunday and no boxing or sparring or wrestling match shall be of more than ten rounds duration, said rounds not to exceed three minutes each.

§ 8. The commission shall have authority to collect and require the payment of an annual license fee for the license above mentioned, pursuant to the following schedule:

For cities of ten thousand or more population . . . . .	\$50.00
For cities of from five thousand to ten thousand population . . . . .	\$25.00
For cities of less than five thousand population . . . . .	\$10.00
For all other licenses to hold or to operate a boxing, sparring match or wrestling exhibition . . . . .	\$10.00

The commission shall require the payment of said annual license fee at the time of the issuance of the license. The money so derived by the commission shall be paid to the State Treasurer and together with the 10% tax hereinbefore set forth may be disbursed by the commission for the purpose of paying the expenses of the commission in the administration of the law herein provided for. The commission shall also have authority to license all boxers, wrestlers, managers and referees, and may, in its discretion, require them to pay an annual fee, not to exceed the sum of \$5.00 per year. All moneys collected by said commission from such licenses shall be paid to the State Treasurer and may be disbursed by the commission for the payment of expenses incurred by it.

§ 9. The commission shall make rules and regulations to govern the holding of amateur and professional boxing and wrestling exhibitions within the state, and such rules and regulations shall conform, as nearly as practicably can be, to the rules and regulations prescribed by the New York Boxing Commission. The promoter or holder of any bout for which any charge is made or money collected shall be liable to pay the 10% of gross receipts as hereinbefore provided.

§ 10. Before any license shall be granted to any person or organization to conduct, hold or give any boxing, sparring match, or wrestling exhibition such applicant therefor shall execute and file with the commission a bond in such sum as the commission may direct, but in no event less than \$500.00, conditioned for the payment

of the 10% gross gate receipts and license fees herein provided. Upon the filing and approving of such bond the commission shall issue a certificate of filing and approval which shall be filed by the applicant with his application for license, and no such license shall be issued until such certificate shall be so filed.

§ 11. The boxing and wrestling commissioner shall, before entering upon his duties, furnish a bond in such sum as the commission may direct but in no event less than \$5,000.00, conditioned upon the faithful performance of the duties of his office.

§ 12. Any person or persons who shall send or cause to be sent, published or otherwise made known, any challenge to fight or engage in any public boxing, sparring match or wrestling exhibition or contest, with or without gloves, for any prize, reward or compensation or at which any admission fee is charged, either directly or indirectly, or shall go into training preparatory for such match, exhibition or contest, or shall act as a trainer, aider, arbiter, backer, referee, umpire, second, surgeon, assistant or attendant at such match, exhibition or contest, or any preparation for same, and any owner or lessee of any grounds, building or structure, permitting the same to be used for such match, exhibition or contest shall be deemed guilty of a misdemeanor; providing, however, that this section shall not apply to boxing or sparring or wrestling exhibitions held or to be held under license issued by the State Athletic Commission and in keeping with the rules and regulations issued by it.

§ 13. The State Athletic Commission shall biennially make to the Governor a full report of its proceedings ending the last day of the preceding December and may submit with such report such recommendations pertaining to its affairs as it shall deem desirable. If, at the time of making such biennial report the moneys collected by the commission shall exceed the sum of \$1,000.00 all moneys in excess thereof shall be placed in the general fund of the state.

§ 14. Whenever any individual or organization shall fail to make a report of receipts of any contest at the time prescribed by said commission, or to pay the fee herein provided, or whenever such report is unsatisfactory to the commission, it may cause the books and records of such individual or organization to be examined and may subpoena and examine under oath officers and other persons as witnesses for the purpose of determining the amount due, pursuant to the provisions of this act, which amount he may, upon and as a result of such examination, fix and determine. In case of default in the payment of any amount so ascertained to be due, together with the expenses incurred in making such examination for a period of twenty days after notice to such delinquent individual or organization of the amount to which the same may be fixed, such delinquent shall, ipso facto, forfeit and shall thereby be disqualified from receiving any new license or any renewal of license and shall, in addi-

tion, forfeit to the State of North Dakota the sum of \$500.00 which may be recovered by the Attorney General in the name of the State of North Dakota in the same manner as other penalties are by law recovered.

§ 15. Boxing, sparring matches or wrestling exhibitions as provided for hereunder shall not be held in municipalities in which such contests or exhibitions are declared illegal by ordinance, and all boxing, sparring matches or wrestling exhibitions held in any municipality in this state shall be held in conformity with the ordinance of said municipality.

§ 16. All boxing, sparring matches and wrestling exhibitions and those participating therein held in the high schools, the schools of higher learning, Young Men's Christian Associations, in the State of North Dakota, shall be exempted from the provisions of this act.

§ 17. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1935.

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## BANKS AND BANKING

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### CHAPTER 92

S. B. No. 133—(Peterson and Whelan , by request)

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#### REGULATION ISSUE AND SALE OF CAPITAL NOTES, DEBENTURES, ETC.

##### BANKING INSTITUTIONS

An Act authorizing banking institutions to issue and sell capital notes or debentures and preferred stock; prescribing, defining and regulating the manner, terms, conditions, limitations and restrictions under and upon which the same may be issued and sold.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. CAPITAL DEBENTURE.] With the approval of the State Examiner any banking institution, as defined herein, may at any time through action of its board of directors and without requiring any action of its stockholders issue and sell its capital notes or debentures. Such capital notes or debentures shall be subordinate and subject to the claims of depositors and may be subordinated and subjected to the claims of other creditors.

The term "capital" as used in the laws of this state relating to banking shall be construed to embrace the amount of outstanding capital notes and debentures legally issued by any banking institution and sold by it to the Reconstruction Finance Corporation. The capital stock of any such banking institution may be deemed to be unim-