
PUBLIC SHOWS

CHAPTER 196

(H. B. No. 177—Burkhart and Freeman.)

CIRCUS, CARNIVAL, ETC., NOT TO SHOW, WHEN

An Act to prohibit any outdoor show, circus, or carnival from showing or exhibiting at cities where any state, county or district fair association conducts an agricultural and live stock exposition or fair, within a period of 18 days next preceding the date advertised and set for such agricultural and live stock exposition or fair, and prescribing penalties therefor.

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

§ 1. It shall be unlawful for any person or persons, firm or corporation to conduct any outdoor show, circus or carnival in any city, or within a radius of six miles of any city, within the State of North Dakota, at or near which any state, county or district fair association operates an agricultural and livestock exposition or fair, within a period of 18 days next preceding the date advertised and set for such agricultural and livestock exposition or fair, or during the time of holding such fair or exposition. Provided, however, any such outdoor show, circus or carnival, may be held at the time and place of holding any such fair or exposition, with the consent of the officials of such fair or exposition, or with such fair or exposition.

Provided, that nothing herein contained shall exempt such outdoor show, circus or carnival from obtaining proper license or permit as heretofore provided by law, and

Provided further, that such license or permit shall not be construed to permit such outdoor show, circus or carnival from operating or showing at such cities within the 18 day period immediately previous to the holding of such agricultural and livestock exposition or fair, except as hereinbefore provided.

§ 2. Any person or persons, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment.

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 All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

CHAPTER 197

(H. B. No. 92—Muus and Burns.)

PUBLIC SHOWS OR EXHIBITIONS, SERVICE OF PROCESS FILING
OF CONTRACT

An Act providing for the service of legal process upon and the filing of contracts by any person, firm or corporation managing, promoting or producing any public shows or exhibition, as defined in the act, within this state.

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

§ 1. Every person, firm or corporation managing, promoting or producing any public exhibition, show, circus, carnival, auto race, motorcycle race, auto polo game, airplane exhibition, ferris wheel, merry-go-round, seaplane, caterpillar or other similar exhibition, shall, before producing or exhibiting the same, file with the county auditor of the county in which such performance or exhibition is to take place, a copy of the contract, if any, under which such exhibition, amusement or entertainment will be given, the correct post office address of the principal place of business of the person, firm or corporation producing the same, and shall also file with the secretary of state the written power of attorney of such person, firm or corporation authorizing such official, on behalf of such person, firm or corporation to admit legal service of summons and process in all actions and proceedings that may be brought against such person, firm or corporation within this state. Failure to file such power of attorney shall not invalidate the service of any summons or process upon such official who is hereby authorized and empowered to act as attorney in fact for such person, firm or corporation and to accept service of process therefor. Upon service of process upon such official he shall, if possible, immediately ascertain the post office address of such person, firm or corporation and forward a copy of the process served, by registered mail, to such person, firm or corporation. Such service of process upon said secretary of state shall, for all purposes of such suit and any verdict rendered or judgment entered therein, be deemed legal and valid personal service of summons and process the same as though made personally upon such person, firm or corporation within this state.

§ 2. It shall be unlawful for any person, firm or corporation, including fair associations and municipal corporations, to manage, produce or promote any such entertainment or production unless and until the provisions of this act have been complied with.

§ 3. Any person, firm or corporation failing to comply herewith shall be deemed guilty of a misdemeanor and upon conviction

shall be fined not to exceed \$500.00 or be imprisoned in the county jail not to exceed one year or both such fine and imprisonment.

§ 4. This act shall not be construed to cover horse races, rodeos, bicycle races or any entertainment wherein motor power shall not be used in the production of power or speed.

§ 5. EMERGENCY.] An emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1929.

RAILROAD COMMISSIONERS

CHAPTER 198

(H. B. No. 223—Committee on Delayed Bills.)

CERTIFICATES PUBLIC CONVENIENCE AND NECESSITY PUBLIC UTILITIES

An Act to amend and re-enact Chapter 235 of the 1927 Session Laws relating to certificates of public convenience and necessity of public utilities.

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

§ 1. AMENDMENT.] That Chapter 235 of the 1927 Session Laws be amended and re-enacted to read as follows:

No public utility, as defined in Section 4609c2, Supplement to the 1913 Compiled Laws of North Dakota, shall henceforth begin the construction or operation of a public utility plant or system, or of any extension thereof, without first obtaining from the board of railroad commissioners of this state a certificate that public convenience and necessity require or will require such construction and operation; provided, that this section shall not be construed to require any such public utility to secure such certificate for an extension within any municipality or district within which it has heretofore lawfully commenced operations, or for an extension within or to territory already served by it necessary in the ordinary course of its business, or for an extension into territory contiguous to that already occupied by it and not receiving similar service from another utility, or for which no certificate of public convenience and necessity has been issued to any other public utility; but if any public utility in constructing or extending its line, plant or system, unrea-