In answer to your second question, I wish to state that the Guffey Coal Act is still in force, and it will not expire by limitation until August 23, 1943. If the contract is executed when the act is still in force, the provisions are certainly proper. However, if the contracts should not be executed until after its expiration, or if the act should expire during the life of the contract, I find nothing in the contract which would require redrafting to provide against such expiration.

STATE ATHLETIC COMMISSION: Validity of a rule of commission with respect to unsold tickets for any prescribed event.

July 20, 1943.

Mr. Sam Murbarger, Secretary,
State Athletic Commission of Indiana,
225 State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of July 16, 1943, received as follows:

"At the past meeting of the Commissioners of the State Athletic Commission held July 2, 1943, the following rule, which I am herewith submitting for an official opinion of the Attorney General, was unanimously passed by the Commission.

'It is the rule of the Commission that hereafter the Commission be supplied with the printers' reports of sets of tickets as furnished the promoters throughout the state, that promoters use a new set for each event, and that the unsold tickets together with the ticket taker's stubs be preserved for the Commission's inspection.

'In case of general admission, roll tickets may be used with the opening and closing numbers included on each inspector's report.'"

The State Athletic Commission of Indiana was created, and the powers and duties of said commission prescribed, by Chapter 93 of the Acts of 1931, same being Section 63-201 to
Section 63-236, Burns’ R. S. 1933. Section 63-202 Burns’ R. S. 1933, being Section 2 of said Act, provides, in part, as follows:

“The members of the commission * * * shall make and adopt such rules and regulations for the administration of the provisions of this act not inconsistent herewith, as they may deem expedient; and they may thereafter amend or abrogate such rules and regulations.”

Section 63-205, Burns’ R. S. 1933, being Section 5 of said act, provides, in part, as follows:

“* * * No boxing, sparring or wrestling match, or exhibition, except as herein provided, shall be held or conducted within this state except under a license and permit issued by the state athletic commission in accordance with the provisions of this act and the rules and regulations adopted in pursuance thereof.”

Section 63-206, Burns’ R. S., being Section 6 of said act, provides, in part, as follows:

“The commission may issue, in its discretion, under the name and seal of the state athletic commission, an annual license in writing for holding such boxing, sparring and wrestling matches or exhibitions, to any person, club, corporation, or association, who or which is properly qualified for the holding of such exhibition within the provisions of this act, and shall adopt reasonable rules and regulations to establish the qualifications of the applicants for such license, which rules and regulations shall be such as to carry out the spirit of this act and shall not be inconsistent herewith.”

Section 63-223, Burns’ R. S. 1933, being Section 23 of said act, provides, in part, as follows:

“Every person, club, corporation or association which may conduct any match or exhibition under this act shall, within twenty-four (24) hours after the determination thereof, furnish to the commission by mail, a written report duly verified by that person or,
if a club, corporation or association, by one of its officers, showing the number of tickets sold for such contest and the amount of the gross proceeds thereof, and such other matters as the commission may prescribe; and shall also within the said time pay to the state treasury a tax of ten (10) per cent of the total gross receipts, exclusive of any federal tax paid thereon, from the sale of tickets of admission to such match or exhibition, which money derived from such tax shall be covered in the general treasury of the state.”

Section 63-224, Burns' R. S. 1933, being Section 24 of said act, provides, in part, as follows:

"Whenever any such report is unsatisfactory to the state treasurer he may examine or cause to be examined, the books and records of such person, club, corporation, or association, and subpoena and examine, under oath, that person or officers and other persons as witnesses for the purpose of determining the total amount of the gross receipts derived from any contest, and the amount of tax due, pursuant to the provisions of this act, which tax he may, upon, and as a result of, such examination, fix and determine. * * *"

Section 63-225, Burns' R. S. 1933, being Section 25 of said act, provides as follows:

"The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing him to act as such inspector wherever the commission may designate him to act. One (1) inspector or deputy shall be present at all boxing, sparring or wrestling matches or exhibitions, and see that the rules of the commission and the provisions of this act are strictly observed, and shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the final box-office statement received by him from the person or officers of the club, corporation, or association conducting such exhibition."
Section 63-227, Burns’ R. S. 1933, being Section 27 of said act, provides as follows:

“All tickets of admission to any such boxing, sparring or wrestling match or exhibition, shall bear clearly upon the face thereof the purchase-price of same, and no such tickets shall be sold for more than such price as printed thereon. It shall be unlawful for any person, club, corporation, or association to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.”

From a consideration of each of the foregoing statutory provisions, it is clear that the legislature delegated to the State Athletic Commission of Indiana the duties of supervising each boxing, sparring or wrestling match or exhibition conducted in this state and requires said commission to prevent the over-crowding of any buildings in which such contests were conducted by limiting the sale of tickets to the seating capacity thereof; it delegated to the commission the duties of accurately determining the number of admission tickets sold, the price thereof and the revenue received for each such contest by the promoters thereof; it required the commission to determine and collect a tax of ten per cent on the total gross receipts of such contests, exclusive of federal tax paid thereon. The commission is further authorized to make rules and regulations for the carrying out of the purposes of said act not inconsistent with the provisions of said act.

It is, therefore, my opinion that your above quoted rule is authorized by the statutory delegation of power to the commission, and that it is reasonable, valid and enforceable.