



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Joe Kunschik, Commissioner
Bureau of Labor Statistics
Austin, Texas

Dear Sir:

Re: Opinion No. O-1885
Whether dues in the sum of
\$25.00 for the year 1940
for membership in the National
Boxing Association may be paid
out of appropriation for con-
tingent expenses.

We quote from your letter of February 26, 1940, as fol-
lows:

"We believe that the item of 'contingent expense' for the Boxing and Wrestling Division of this Department has a special, particular, and distinct meaning as to this Division, and that this expenditure was contemplated by the Legislature, especially since the Boxing and Wrestling law, art. 614-1, 17c, Penal Code of Texas (Acts 1933 and 1934, 43rd Leg., Reg., 1st, and 2nd C.S.), provides that the meaning of specified words, as used in said Act 'shall be accepted as defined by the National Boxing Association . . . and the rules governing regulations of boxing . . . or sparring contests or exhibitions, their seconds and referees shall be in accordance with those set out by the National Boxing Association"

"A compilation⁷¹⁶ made by this Department on January 15, 1940, showed that 18 boxers and wrestlers in Texas and 161 boxers and wrestlers in various other states of the Union were under suspension for having violated some

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law, rule or regulation of these states. Similar information was compiled as to suspended managers, seconds, referees, matchmakers, and promoters. Boxers and wrestlers travel from one state to another, and information concerning their moral and professional reputation is vital. If we are to be precluded from knowing which boxers have been suspended for violations of their duties in other states, we would invariably permit practices in Texas that would lower the standard of boxing in this State, thereby resulting in a decline in attendance, and this would automatically deprive the State of contemplated revenue in its collection of three per cent of the gross receipts from such boxing contests.

"The National Boxing Association issued their Suspension Bulletin No. 12 on February 12, 1940, showing that one boxer in Texas and three boxers in two other states had been suspended for cause, and that three boxers in as many other states had been reinstated. Such information is furnished to members by the National Boxing Association. The suspensions made in Texas are recognized in other states, and the exchange of such information is of material benefit in an effort to maintain boxing on a high plane, the very purpose for which the law was passed. We believe that Texas should have a voice in defining specified words and also a voice in promulgating certain rules and regulations, and then the opportunity to know what such words mean and what such rules and regulations are."

You request our opinion as to whether or not dues in the sum of \$25.00 for the year 1940 for membership in the National Boxing Association of America, Inc. may be paid from the "contingent expense" fund mentioned in the current appropriation for the boxing and wrestling division of your Department.

After providing salaries for employees of the boxing and wrestling division of the Bureau of Labor Statistics, the general appropriation bill, being Senate Bill No. 427, 46th Legislature, makes an appropriation of the sum of \$4,000.00 for "postage, stationery, telegraph, telephone, equipment, traveling and contingent expenses." Following such itemized appropriation is a rider reading as follows:

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"Subject to the limitations set forth in the provisions appearing at the end of this Act, there is hereby appropriated out of the Boxing and Wrestling Fund for each of the years ending August 31, 1940 and August 31, 1941, an amount sufficient to pay the items set forth above under the Boxing and Wrestling Division."

The specific purposes named in the appropriation bill for which said sum of \$4,000.00 may be used are not all of a similar nature, attention being called to the differences between postage and equipment and between stationery and traveling. Hence, even the rule of ejusdem generis is of no aid in attempting to determine what is meant by the term "contingent expenses." Under the circumstances, we think it is broad enough to cover the item in question if the same be reasonably necessary in regulating the promoting and conducting of fistic combats and wrestling matches. From a reading of Article 614, Vernon's Penal Code, and in particular Sections 1a and 17c thereof, in connection with the facts set out in your letter, we are of the opinion that it is highly desirable that the Commissioner of Labor, who is authorized by law to regulate such matters and who is charged with the duty of promulgating rules and regulations which may be necessary in the premises, maintain himself in such a position as to receive information disseminated by the National Boxing Association to its members. If we understand your letter correctly, it is necessary for such membership to be established or retained if such information is to be had. Accordingly, it is our opinion that this expense may be paid out of the above item of appropriation.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Glenn R. Lewis*
Glenn R. Lewis
Assistant

GRL:N

APPROVED MAR 20, 1940

Gerald B. Mann
ATTORNEY GENERAL OF TEXAS

