

who are members of any other retirement system in the state which is maintained in whole or in part by public contributions unless such political subdivision or its instrumentalities as a whole elect to adopt this system are exempted from the provisions of this chapter. Elected state officials may individually elect to adopt this system by application to the bureau for such coverage. Such coverage may, at the option of the applicant, be made retroactive to January 1, 1950, upon payment by the applicant of his accrued contribution for the retroactive period.

Approved February 27, 1951.

SPORTS AND AMUSEMENTS

CHAPTER 299

H. B. No. 785
(Leier)

REGULATION AND LICENSING OF AMUSEMENT GAMES AND DEVICES

AN ACT

To license and regulate the operation of amusement games and devices;
levying a tax therefor, appropriating revenue derived therefrom,
and repealing all Acts and parts of Acts in conflict therewith.

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

§ 1 AMENDMENT.) Section 53-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0401. Definitions. In this chapter, unless the context or subject matter otherwise requires;

1. "Amusement games or devices" shall include such games and devices as electric ray guns, music boxes, picture boxes, bumperball or pinball, and other similar miniature games or devices, whether or not they show a score, where a charge for playing or operating is collected but shall not apply to any machine which may constitute a lottery under the laws of this state;
2. "Person" shall include any partnership or corporation.

§ 2. AMENDMENT.) Section 53-0402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0402. License of Amusement Games and Devices Required. No person shall set up for operation, operate, lease or distribute for the purpose of operating, any amusement game or device which can be operated legally in this state, without first having obtained a license therefor.

§ 3. AMENDMENT.) Section 53-0403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0403. Annual License Required; Fee. Any person who displays any amusement game or device, as defined in this chapter, to the public to be played or operated by the public, shall secure for each game or device an annual license, the fee therefore being due and payable on July first of each year. No license shall be issued for any fractional portion of a year, except that if any game or device is put on display at any time after January first and before July first of any year, the license fee for such period until July first shall be one-half of the amount of the license fee provided for in this chapter.

§ 4. AMENDMENT.) Section 53-0404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0404. License Fee. Before any such game or amusement device is put on display to the public, to be played or operated by the public, the owner or person in possession thereof shall pay an annual license fee as follows:

1. For all games or devices operated by the payment or insertion of a penny, five dollars per year for each machine or device;
2. For all games or devices operated by the payment or insertion of a five-cent piece or a coin of greater denomination, the sum of fifteen dollars per year for each machine or device.

§ 5. AMENDMENT.) Section 53-0405 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0405. Administering and Enforcing Provisions of Chapter; Confiscation of Machines and Devices. The attorney general's licensing department shall administer and enforce the provisions

of this chapter, and for that purpose the attorney general is directed and authorized to make, promulgate, and enforce such reasonable rules and regulations as he may deem necessary and expedient. The attorney general and the inspectors of such department may confiscate all machines and devices as defined in this chapter upon which the license fee required as provided in section 53-0404 has not been paid, and may do any and all things necessary or expedient for the strict enforcement of the provisions of this chapter.

Approved March 13, 1951.

CHAPTER 300

S. B. No. 226
(Nordhougen)

AMUSEMENT DEVICE LICENSE COLLECTIONS; DEPOSIT; APPROPRIATION TO GENERAL FUND

AN ACT

Relating to moneys collected for licenses on amusement devices; providing for the deposit of all such moneys in the general fund in the state treasury; amending and reenacting section 53-0407 of the North Dakota Revised Code of 1943; appropriating moneys now in the special fund to the general fund, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 53-0407 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0407. ALL MONEY REMITTED TO STATE TREASURER.) All money collected under the provisions of this chapter for licenses on amusement devices shall be remitted to the state treasurer and shall be credited to the general fund of the state.

§ 2. APPROPRIATION.) The special fund established in accordance with the provisions of chapter 53-04 of the North Dakota Revised Code of 1943, and consisting of moneys derived from the licensing of amusement devices is hereby terminated and all moneys in such fund are hereby appropriated and transferred to the general fund in the state treasury.

§ 3. 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 7, 1951.

CHAPTER 301

H. B. No. 639

(Power, Laske, Simenson, Roen, Fleenor and Robinson)

WATER CRAFT; REGULATING SAFE OPERATION; PENALTIES

AN ACT

Relating to watercraft; providing for the safe operation thereof; and providing penalties.

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

§ 1.) Any person who shall operate any watercraft upon any of the waters of this state,

1. While under the influence of narcotics or intoxicating liquors;
2. At a rate of speed dangerous to himself or other persons or property;
3. Which is not seaworthy by reason of construction, inadequate equipment, overcrowding or overloading; or
4. In a reckless or imprudent manner;

shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

Approved March 7, 1951.