

SPORTS AND AMUSEMENTS

CHAPTER 484

SENATE BILL NO. 2078
(Lips, Morgan, Sanstead)
(Legislative Council Study)

STATE ATHLETIC COMMISSIONER

AN ACT to amend and reenact sections 53-01-02, 53-01-03, 53-01-07, 53-01-08, 53-01-09, 53-01-10, 53-01-11, 53-01-12, 53-01-14, 53-01-15, 53-01-16, and 53-01-19 of the North Dakota Century Code, relating to the state athletic commission and to provide that the secretary of state shall serve as state athletic commissioner; and to repeal sections 53-01-01, 53-01-04, 53-01-05, and 53-01-06 of the North Dakota Century Code, relating to the state athletic commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 53-01-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-02. STATE ATHLETIC COMMISSIONER.) The secretary of state shall act as state athletic commissioner.

SECTION 2. AMENDMENT.) Section 53-01-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-03. RESTRICTIONS.) The secretary of state shall not, directly or indirectly, promote any boxing, sparring, or wrestling exhibition, nor engage in the managing of any boxer or wrestler, nor be interested in any manner in the proceeds from any boxing or wrestling exhibition.

SECTION 3. AMENDMENT.) Section 53-01-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-07. DUTIES OF STATE ATHLETIC COMMISSIONER.) The secretary of state shall have charge and supervision of all boxing, sparring, and wrestling exhibitions held in the state and may:

1. Make rules and regulations governing the conduct of boxing, sparring, and wrestling exhibitions.

2. Issue licenses to individuals or organizations desiring to promote or conduct such exhibitions and suspend or revoke such licenses at pleasure.
3. Collect five percent of the gross receipts from admissions to boxing, sparring, and wrestling exhibitions held within the state.

The provisions of this chapter shall not apply to any boxing, sparring, or wrestling exhibitions the net proceeds of which are to be devoted to charitable purposes.

SECTION 4. AMENDMENT.) Section 53-01-08 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-08. BIENNIAL REPORT TO GOVERNOR.) The secretary of state biennially shall make to the governor a full report as prescribed by subsection 6 of section 54-06-04 of his proceedings under this chapter for the preceding two fiscal years, and may submit with such report such recommendations pertaining to his affairs as he shall deem desirable.

SECTION 5. AMENDMENT.) Section 53-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-09. MONEYS PAID INTO STATE TREASURY - DISBURSEMENT.) All moneys collected by the secretary of state pursuant to the provisions of this chapter shall be paid into the state treasury and shall be disbursed only as other state funds are disbursed by law. The percentage of admissions collected by the secretary of state, as provided in section 53-01-07, subsection 3, shall be paid into the state treasury at such times and in such manner as the state treasurer may direct.

SECTION 6. AMENDMENT.) Section 53-01-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-10. APPLICATION FOR LICENSE - TERMS OF LICENSE.) Every application for a license to promote or conduct boxing, sparring, and wrestling exhibitions, shall designate the territory in which the licensee may operate. Unless revoked by the secretary of state, the license granted as provided in this chapter shall authorize the individual or organization receiving the same to conduct boxing, sparring, and wrestling exhibitions in the community designated therein, and no other, for the period of time specified, subject to the rules and regulations of the secretary of state and such restrictions as the secretary of state in his discretion may incorporate therein.

SECTION 7. AMENDMENT.) Section 53-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-11. BOND REQUIRED WITH APPLICATION FOR LICENSE.) Before any license shall be granted to any person or organization to conduct, hold, or give any boxing, sparring, or wrestling exhibition, such applicant shall execute and file with the secretary of state a bond in such sum as the secretary of state may direct, but in no event less than five hundred dollars, conditioned for the payment of five percent of the gross gate receipts and the license fees required under this chapter. Upon the filing and approval of such bond, the secretary of state shall issue a certificate to that effect, which shall be filed by the applicant with his application for license, and no such license shall be issued until such certificate is filed.

SECTION 8. AMENDMENT.) Section 53-01-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-12. ANNUAL LICENSE FEE FOR EXHIBITIONS.) The secretary of state, at the time of the issuance of the license, shall collect an annual license fee for the holding of boxing, sparring, and wrestling exhibitions, pursuant to the following schedule:

1. Municipalities of ten thousand or more population -----\$35.00
2. Municipalities of from five thousand to ten thousand population ----- 15.00
3. Municipalities of from one thousand to five thousand population ----- 10.00
4. Municipalities of less than one thousand population ----- 5.00

SECTION 9. AMENDMENT.) Section 53-01-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-14. BOOKS AND RECORDS OF EXHIBITOR OPEN TO INSPECTION - CANCELING LICENSE.) Whenever any individual or organization shall fail to make a report of receipts of any contest at the time prescribed by the secretary of state, or to pay the fee required by this chapter, or whenever a report made is unsatisfactory to the secretary of state, he may cause the books and records of such individual or organization to be examined and may subpoena and examine officers and other persons under oath as witnesses for the purpose of determining the amount due under the provisions of this chapter. Such amount shall be fixed as a result of such examination. In case of default, for a period of twenty days after notice, in the payment of any amount ascertained to be due, together with the expenses incurred in making such examination, such delinquent ipso facto, shall forfeit his license, and thereby shall be disqualified from

receiving any new license or any renewal license, and in addition shall forfeit to the state the sum of five hundred dollars, which may be recovered by the attorney general in the name of the state in the manner in which other penalties are recovered by law.

SECTION 10. AMENDMENT.) Section 53-01-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-15. LICENSING OF BOXERS, WRESTLERS, MANAGERS, AND REFEREES - FEE.) The secretary of state may license all boxers, wrestlers, managers, and referees, and may require them to pay an annual fee not to exceed the sum of five dollars.

SECTION 11. AMENDMENT.) Section 53-01-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-16. AMATEUR AND PROFESSIONAL EXHIBITIONS.) The secretary of state shall make rules and regulations to govern the holding of amateur and professional boxing and wrestling exhibitions within the state. Such rules and regulations shall conform, wherever practicable, 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 for five percent of the gross receipts as provided in section 53-01-07, subsection 3.

SECTION 12. AMENDMENT.) Section 53-01-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-01-19. HOLDING MATCH OR CONTEST WITHOUT LICENSE A MISDEMEANOR.) Any:

1. Person who, without a license from the secretary of state, shall:
 - a. Send or cause to be sent, published, or otherwise made known, any challenge to fight or engage in any public boxing, sparring, 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
 - b. Go into training preparatory for such exhibition or contest; or
 - c. Act as a trainer, aider, arbiter, backer, referee, umpire, second, surgeon, assistant, or attendant at such exhibition or contest, or any preparation for the same; and

2. Owner or lessee of any grounds, building, or structure, permitting the same to be used for such match, exhibition, or contest

shall be guilty of a misdemeanor. This section shall not apply to boxing or sparring or wrestling exhibitions held or to be held under a license issued by the secretary of state in keeping with the rules and regulations prescribed.

SECTION 13. REPEAL.) Sections 53-01-01, 53-01-04, 53-01-05, and 53-01-06 of the North Dakota Century Code are hereby repealed.

Approved February 20, 1971

CHAPTER 485

HOUSE BILL NO. 1482
(Gackle, Herman)

LICENSING AMUSEMENT DEVICES

AN ACT to amend and reenact section 53-04-02; section 53-04-03; section 53-04-04; and section 53-04-06 of the North Dakota Century Code, relating to licensing of amusement games and devices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 53-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-04-02. LICENSE OF AMUSEMENT GAMES AND DEVICES REQUIRED.) No person owning any amusement game or device which can be operated legally in this state shall set up for operation, operate, lease or distribute for the purpose of operating, such amusement game or device without first having obtained a license therefor.

SECTION 2. AMENDMENT.) Section 53-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-04-03. ANNUAL LICENSE REQUIRED - FEE.) Any person owning any amusement game or device and who displays such 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 therefor 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.

SECTION 3. AMENDMENT.) Section 53-04-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-04-04. LICENSE FEE.) Before any such game or amusement device is put on display to the public, to be played and operated by the public, the owner thereof shall pay an annual license fee of fifteen dollars per year for each machine or device.

SECTION 4. AMENDMENT.) Section 53-04-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-04-06. IDENTIFICATION TAG ATTACHED TO MACHINE - LICENSE TO BE DISPLAYED.) Concurrent with the issuance of each license for each machine, the attorney general shall issue an identification tag or other device prescribed by him upon which shall appear the serial number of the license and the manufacturer's serial number or other means of identifying such machine. Such identification tag or other device at all times must be attached firmly to the machine and displayed prominently thereon. The license issued for such machine must at all times be prominently displayed on the premises where such machine is located.

Approved March 15, 1971